



**HIGH COURT OF TRIPURA  
AGARTALA**

**Crl.Rev.P.No.42 of 2025**

**Sri Babul Chandra Majumder,**  
Lt. Nitayananda Majumder,  
Resident of Charipara, P.O.: Charipara, A.D. Nagar,  
PIN: 799003, District- West Tripura, Agartala.

**.....Petitioner(s)**

**VERSUS**

**Smt. Ratna Majumder (Sarkar),**  
D/o Sri Jatindra Chandra Sarkar,  
Ramnagar, Road No.1m0, P.O.: Ramnagar,  
PIN: 799002, Agartala, West Tripura.

**.....Respondents.**

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|-------------------------------------------|---|--------------------------|
| For Petitioner(s)                         | : | Mr. Dulal Ch. Saha, Adv. |
| For Respondent(s)                         | : | Mr. Sankar Lodh, Adv.    |
| Date of Hearing                           | : | 21.05.2026               |
| Date of delivery of<br>Judgment and Order | : | 17.06.2026               |
| Whether fit for<br>Reporting              | : | NO                       |

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**HON'BLE MR. JUSTICE BISWAJIT PALIT**

**Judgment & Order**

This revision petition under Section 397 read with Section 401 of Cr.P.C. is filed challenging the order dated 17.12.2024 in connection with case No.Misc.148 of 2024 passed by Learned Additional Judge, Family Court Agartala, West Tripura. By the said judgment and order Learned Additional Judge has enhanced the amount of maintenance to

Rs.30,000/- per month from Rs.15,000/- per month w.e.f. the month of December 2024.

**02.** Heard Learned Counsel, Mr. Dulal Ch. Saha appearing on behalf of the petitioner-husband and also heard Learned Counsel, Mr. Sankar Lodh appearing on behalf of the respondent-wife.

**03.** Taking part in the hearing, Learned Counsel for the petitioner submitted that the present petitioner-husband is in Government service and when the notice of this proceeding was issued upon him that time he was posted at Sonamura and as such he could not appear to contest the proceeding, rather the process server served notice of the petitioner-husband to the office of the petitioner-husband at Agartala and the office also did not intimate him anything and the Learned Trial Court came to the observation that the notice was properly served and decided the matter *exparte* and without any basis enhanced the amount of maintenance from Rs.15,000/- to 30,000/- arbitrarily which was excessive and inviolation of the principle of natural justice.

It was further submitted that the marriage of the rival parties has been dissolved by a decree of divorce as per judgment of the Division Bench of this High Court in F.A. No.06 of 2016 and challenging the judgment one SLP is filed which is still pending for adjudication. So, in summing up, Learned

Counsel for the petitioner-husband urged for allowing this revision petition and to set aside the judgment of the Learned Additional Judge, Family Court and to remand back the matter for fresh adjudication.

**04.** On the other hand, Learned Counsel, Mr. S. Lodh appearing on behalf of the respondent-wife submitted that there was no infirmity to the order passed by Learned Additional Judge, Family Court because before the Learned Additional Judge, Family Court the respondent-husband, i.e. the petitioner herein inspite of receipt of notice did not appear to contest the proceeding and he is holding the post of Executive Engineer of DWS Department having got the sufficient means to pay enhanced rate of maintenance and the earlier amount of maintenance amounting to Rs.15,000/- which was awarded in favour of the respondent-wife was not sufficient to meet up her requirements. So, Learned Counsel urged for dismissal of the application.

**05.** I have heard both the sides at length and perused the order passed by Learned Additional Judge, Family Court, Agartala, West Tripura and also perused the record of the Learned Trial Court. It appears that in this proceeding notice was not properly served upon the petitioner-husband rather it was served to the office wherein the petitioner-husband was not posted when the proceeding was taken up for decision and

consideration. So, in absence of O.P., Learned Additional Judge, Family Court, Agartala came to the observation that the notice was duly served and on the basis of evidence on record enhanced the amount of maintenance from Rs.15,000/- to Rs.30,000/- in pursuance of the provision of Section 127 of Cr.P.C. from the month of December 2024. Since the petitioner-husband did not get the opportunity to contest the case properly, so, in my considered view that for the sake of justice the matter should be remanded back to the Learned Trial Court for fresh adjudication of the matter after hearing both the parties since the principle of natural justice has been violated in this proceeding.

**06.** In the result, the revision petition filed by the petitioner-husband is hereby allowed. The judgment dated 17.12.2024 passed in Misc.148 of 2024 by Learned Additional Judge, Family Court, West Tripura, Agartala is hereby set aside. The matter is remanded back to the Learned Additional Judge, Family Court, Agartala with a direction to allow the petitioner-husband to submit his objection, if any and thereafter to record evidence of both the parties afresh and to deliver a fresh judgment in-accordance-with law within a period of six (06) months from the date of receipt of copy of this judgment.

Send down the record to the Learned Trial Court along with a copy of this order/judgment. The parties shall appear to the Learned Trial Court on 30.06.2026.

Supply copy of this judgment free of cost to Learned Counsels of both the parties.

With this observation, this present petition stands disposed of.

Pending application(s), if any, also stands disposed of.

**JUDGE**

**PURNITA DEB**

*Purnita*

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