

IN THE HIGH COURT OF TRIPURA
AGARTALA

Crl.Rev.P.No. 103 of 2010

1. Smt. Pratima Debnath,
wife of Sri Bhulu Debnath
2. Master Harakrishna Debnath,
son of Bhulu Debnath
3. Master Bijoy Debnath,
son of Sri Bhulu Debnath
4. Sri Gopal Debnath
son of Sri Bhulu Debnath

all are resident of A.D. Nagar, P.S. West Agartala, Dist. West Tripura

..... Petitioners

-V E R S U S-

Sri Bhulu Debnath,
son of late Promodh Debnath,
resident of Badharghat, Sreepally,
(near Ram thakur College)
P.S. West Agartala, P.O. A.D. Nagar

..... Respondent

B E F O R E
THE HON'BLE MR. JUSTICE S. TALAPATRA

For the petitioners	:	Ms. S. Deb Gupta, Advocate
For the respondent	:	Mr.H.Laskar, Advocate

Date of hearing & judgment & order	:	04.06.2015
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Whether fit for reporting	:	No
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JUDGMENT & ORDER (ORAL)

Heard Ms. S. Deb Gupta, learned counsel appearing for the
petitioners as well as Mr. H. Laskar, learned counsel appearing for the
respondent.

[2] Mr. Laskar, learned counsel appearing for the respondent has at the outset submitted that for a long time the respondent is not keeping any contact with him. Despite several endeavours he could not receive any instruction from the respondent. Having noted that, this Court has gone through the records for examination in the perspective of the challenge.

[3] By this petition filed under Section 19(4) of the Family Courts Act, 1984, the judgment and order dated 11.10.2010 delivered in Misc 97/2010 by the Judge, Family Court, Agartala, West Tripura has been questioned.

[4] The petitioner has instituted the proceeding under Section 127 of the CR.P.C. for enhancement of the maintenance allowance from Rs. 2,800/- to Rs. 6,000/- per month for maintaining herself and her 3(three) sons in the changed circumstances.

[5] It is to be noted that initially the maintenance so granted in favour of the petitioner No.1 and her children (the petitioners No. 2 to 4) was Rs. 2,500/- and on her petition under Section 127 of the Cr.P.C. that was raised to Rs. 2,800/-. The petitioners approached for the second time for enhancing the same by way of alternation.

[6] There is no dispute that the petitioner No. 1 is the legally married wife of the respondent and from their wedlock three sons were born. All of them are minors and living with the petitioner No. 1. Since the

respondent refused to maintain them properly, the petitioners were compelled to approach the Court for proper maintenance.

[7] It is also not in dispute that the respondent was/is serving as the Group-D staff in the United Bank of India. The petitioners in their petition have also asserted that the respondent was drawing, on the relevant year i.e 2010, a sum of Rs. 15,000/- per month. The respondent did not appear before the Family Court, West Tripura, Agartala, in response to the notice issued in the proceeding under Section 127 of the Cr. P.C.

[8] In his absence the Judge, Family Court, Agartala, West Tripura enhanced the maintenance allowance from Rs. 2,800/- to Rs. 4,000/- per month with a direction that the said amount shall be deducted from his salary by the Branch Manager U.B.I., Sonamura Branch and paid to the petitioner No. 1.

[9] By virtue of this petition, the said order has been challenged by the petitioners for the maintenance allowance as it is still grossly inadequate to adjust with the changed circumstances.

[10] Ms. Deb Gupta, learned counsel for the petitioner has submitted that in these days of unbridled price rise it is hardly practicable to maintain modest survival on the sum of Rs. 4,000/-. This Court cannot give any direction enhancing the rate of the maintenance allowance to that extent which would not allow the respondent to pay it on the monthly

basis. But at the same time this Court finds substance in the submission of Ms. Deb Gupta, learned counsel for the petitioner.

[11] Having regard to the salary that the respondent is receiving from the U.B.I, this Court is of the firm opinion that the respondent shall be directed to pay a sum of Rs. 6,000/- per month to the petitioners as maintenance allowance and paid to the petitioner No. 1, the mother of the other petitioners within 10th day of every English calendar month. As the bank has been deducting the maintenance allowance, this Court on taking an exceptional view shall direct the drawing and disbursing authority of the UBI, to deduct the maintenance allowance at Rs. 6,000/- (Rupees six thousand), from salary of the respondent, Sri Bhulu Debnath and pay the same to the petitioner No. 1 who shall collect the said amount from the bank on every month appearing in person. If the petitioner No. 1 provides the saving bank account number to the concerned bank authority, the bank authority after deduction may also remit the said amount to the bank account of the petitioner No. 1.

[12] With this observation and direction this petition stands allowed to the extent as indicated above.

[13] There shall be no order as to costs. A copy of this order be sent to the respondent by the registered post with AD and the Branch Manager, UBI, Sonamura Branch, Sonamura for compliance. The

petitioner may supply a copy of this order to the UBI for compliance of the order.

JUDGE

H. Ghosh