

IN THE HIGH COURT OF TRIPURA
A G A R T A L A

Crl.Rev.P.No. 94 of 2010

Sri Santi Hrishidas,
son of late Mukunda Hrishid Das,
resident of 23, Madhya Para,
P.O. R.K. Pur, P.S. R.K.Pur,
Dist. South Tripura, now Gomati, Tripura

..... **Petitioner**

- V E R S U S -

Smti Rina Hrishidas,
daughter of late Gaurgopal Das,
wife of Sri Santi Hrishidas,
resident of Vill. Suryamaninagar,
P.O. Suryamani Nagar,
P.S. Amtali , Dist. West Tripura

..... **Respondent**

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

For the petitioner : Ms. R. Purkayastha, Advocate.
For the respondent : Mr. H. Laskar, Advocate

Date of hearing &
judgment & order : 04.06.2015

Whether fit for reporting : **No.**

JUDGMENT & ORDER (ORAL)

Heard Ms. R. Purkayastha, learned counsel appearing for the
petitioner, the husband as well as Mr. H. Laskar, learned counsel
appearing for the respondent, the wife.

[2] By this petition filed under Section 19(4) of the Family Courts Act, 1984 read with Section 401 of the Cr.P.C, the judgment and order dated 12.11.10 delivered in Misc 206/2010 by the Judge Family Court, Agartala, West Tripura has been questioned.

[3] The grievance of the petitioner, in short, is that he was paying monthly maintenance allowance at the rate of Rs. 1,000/- since the year 2000. The said amount was also not the original maintenance allowance but that was also the enhanced rate of maintenance allowance in exercise of powers under Section 127 of the Cr.P.C.

[4] For the change in the circumstances, the respondent again applied for enhancing the maintenance allowance and by the impugned order the Family Court has again enhanced the rate of maintenance allowance to Rs. 2,500/- per month.

[5] It is not in dispute that the petitioner is a regular Government employee. However, Ms. Purkayastha, learned counsel appearing for the petitioner has succinctly submitted that the petitioner has to raise his family and thus he is not in a position to remit the said revised amount of maintenance allowance.

[6] Ms. Purkayastha, learned counsel for the petitioner has indicated that the petitioner has the information that the respondent by this time has remarried someone but Ms. Purkayastha, learned counsel has fairly submitted that no such evidence could be laid in the proceeding.

[7] Mr. H. Laskar, learned counsel, appearing for the respondent has submitted that Rs. 2,500/- is a meagre amount even for a modest livelihood. As the petitioner is a regular Government employee and earning at least Rs. 16,000/- per month, having regard to his income and the bare minimum need of the respondent, this Court may not interfere with the impugned order.

[8] With due regard to the submissions of the learned counsel appearing for the parties, this Court is of the opinion that it is not a fit case where this Court should exercise its revisional power to interfere with the impugned order as this order does not suffer from any manifest infirmity at all.

[9] However, if the petitioner can lay the evidence that the respondent has remarried, he would be at liberty to approach the court for cancelling this order of maintenance allowance at any point of time. Accordingly, this petition stands dismissed, subject to the observation made hereinabove.

JUDGE

H. Ghosh.