

Party Name : TAPAS ROY Vs MANTI SAHA (ROY)

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THE HONBLE MR. JUSTICE S.TALAPATRA

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Heard Mr. P.K. Ghosh, learned counsel appearing for the petitioner who was the opposite party in the proceeding drawn up under Section 125 of the Cr.P.C. being case No.

Miscellaneous 91/2014 by the Judge, Family Court, Agartala, West Tripura.

By this petition the order dated 20.11.2014 delivered in the said case has been questioned on the ground that even though the minor son namely Sandip Roy is living with the petitioner but the Judge, Family Court, Agartala, West Tripura has directed payment of maintenance to the minor son @ Rs. 1,000/- per month w.e.f. 01.11.2014.

Mr. Ghosh, learned counsel appearing for the petitioner has further submitted that the quantum as has been determined by the Judge, Family Court, Agartala, West Tripura has been so determined without considering the income of the respondent.

From the other side, Mr. A. Bhowmik, learned counsel appearing for the respondent has submitted that the quantum is on the lesser side and the respondent would challenge this impugned order by filing a separate criminal revision petition.

Since such petition is not before us the consideration should be confined to whether the challenge of the petitioner is sustainable or not. Since it is admitted even by the respondent that the minor son is living with the petitioner, that part of the direction for payment of maintenance to the minor son w.e.f. 01.11.2014 is entirely perverse and accordingly it is interfered with and set aside. But this Court does not find the substance in the challenge as regards the quantum of the maintenance determined for the respondent. However, this is without prejudice to any challenge as contemplated.

Having held so, this petition stands partly allowed subject to what has been observed and accordingly this petition is disposed of.