

THE HIGH COURT OF TRIPURA
AGARTALA

Crl. Rev. P. No.02 of 2015

Smt. Sunita Suklabaidya,
 wife of Sri Ranjit Suklabaidya,
 daughter of late Kukunda Suklabaidya,
 resident of Village-Kalachari No.1,
 P.S. Kamalpur,
 District – Dhalai, Tripura

..... **Petitioner**

- Vs -

Sri Ranjit Suklabaidya,
 son of late Jogesh Suklabaidya,
 resident of Village-Baligaon,
 P.S. Kamalpur,
 District-Dhalai, Tripura

.....**Respondent**

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

For the petitioner	:	Mr. S. Choudhury, Advocate
For the respondent	:	Mr. K. Nath, Advocate
Date of hearing and delivery of judgment & order	:	04.03.2015
Whether fit for reporting	:	NO

JUDGMENT & ORDER (ORAL)

Heard Mr. S. Choudhury, learned counsel appearing for the petitioner as well as Mr. K. Nath, learned counsel appearing for the respondent.

02. In terms of the order dated 13.02.2015, this matter has been taken up for final hearing.

03. The grievance of the petitioner as canvassed in this petition is that by the impugned judgment and order dated 25.02.2014 delivered in Miscellaneous 18 of 2013 (Maintenance Claim) by the Sub-

Divisional Judicial Magistrate, Kamalpur, North Tripura the amount that has been granted as the maintenance allowance is so inadequate that the petitioner even cannot live a modest decent life. It has been further asserted by Mr. Choudhury, learned counsel for the petitioner that admittedly the petitioner is getting the salary of Rs.25,000/- per month as the employee of the GREF. Even after deduction he is drawing Rs.15,000/-per month. Having regard to the status the petitioner is entitled to a greater amount than what has been granted by the Sub-Divisional Judicial Magistrate, Kamalpur, North Tripura.

04. From the other side, Mr. K. Nath, learned counsel for the respondent has submitted that the petitioner has left the matrimonial home without sufficient reason and despite persuasions by the respondent, she did not come back to the matrimonial home. The respondent has been compelled to institute a suit for restitution of conjugal rights. However, Mr. Nath, learned counsel for the respondent could not confirm whether or not the proceeding is still pending.

05. Be that as it may, according to the considered opinion of this Court, the petitioner is entitled to get some greater quantum as the maintenance allowance. Having regard to dependence of the other family members on the respondent, it is directed that the respondent shall pay a sum of Rs.4,000/- per month as the maintenance allowance to the petitioner w.e.f. 01.03.2015 and the said sum shall be paid by the respondent either by the money order or by remitting the said amount in the account of the petitioner, if the details of the petitioner's account is available to the respondent positively within 10th day of the every English calendar month. In the event of sending the

maintenance allowance by the money order, the money order charge shall be borne by the respondent.

06. At this juncture, Mr. S. Choudhury, learned counsel for the petitioner has submitted that the respondent is not paying the maintenance allowance in terms of the impugned order. The respondent is directed to pay the arrear maintenance allowance within a period of two months from today else the petitioner shall be at liberty to institute a proceeding either under Section 125(3) of the Cr.P.C. or under Section 128 of the Cr.P.C. If any application is pending for enforcement of the order for maintenance allowance the petitioner shall not press that application for next two months on placing a copy of this order in the Court where such proceeding is pending.

With this observation and direction, this petition is allowed and disposed of.

JUDGE

MB