

**THE HIGH COURT OF TRIPURA
AGARTALA**

Crl. Rev. P. No.08 of 2015
Crl. Rev. P. No.27 of 2015

In Crl. Rev. P. No.08 of 2015

Smti. Paptu Sharma,
daughter of Sri Harihar Sharma,
Village-Jagatpur, Kalibari,
P.S. New Capital Complex,
District – West Tripura

Presently residing at

43/2/5, Main Road East,
P.O. New Barrackpore,
P.S. New Gholia,
Dist. North 24 Parganas,
Kolkata – 700 131

.....**Petitioner**

– Vs –

Sri Salil Sharma,
son of Sri Chitta Ranjan Sharma,
Village-Machima,
P.S. Jatrapur, Sub-Division - Sonamura
District – West Tripura

.....**Respondent**

For the petitioner	: Ms. S. Deb Gupta, Advocate
For the respondent	: Mr. S. C. Das, Advocate

In Crl. Rev. P. No.27 of 2015

Sri Salil Sharma,
son of Sri Chitta Ranjan Sharma,
Village-Machima, P.O. Jatrapur,
P.S. Jatrapur,
District – Sepahijala

.....**Petitioner**

– Vs –

1. Smt. Paptu Sharma,
Ex-wife of Sri Salil Sarma,
daughter of Sri Harihar Sharma,
Village-Jagatpur, Kalibari,
P.O. Abhoynagar,
P.S. East Agartala,
District – West Tripura
2. The State of Tripura,
Through the Public Prosecutor,
High Court of Tripura, Agartala

.....**Respondents**

For the petitioner : Mr. S. C. Das, Advocate
 For the respondent No.1 : Ms. S. Deb Gupta, Advocate
 For the respondent No.2 : Mr. R. C. Debnath, Addl. PP

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

Date of hearing and delivery : **24.06.2015**
 of judgment and order
 Whether fit for reporting : **NO**

Judgment and Order (Oral)

Heard Ms. S. Deb Gupta, learned counsel appearing for the wife, the petitioner in Crl. Rev. P. No.08 of 2015 and respondent No.1 in Crl. Rev. P. No.27 of 2015 as well as Mr. S. C. Das, learned counsel appearing for the husband, the respondent in Crl. Rev. P. No.08 of 2015 and the respondent No.1 in Crl. Rev. P. No.27 of 2015. Also heard Mr. R. C. Debnath, learned Addl. PP appearing for the State.

02. As these criminal revision petitions being Crl. Rev. P. No.08 of 2015 filed by Smt. Paptu Sharma, the former wife and Crl. Rev. P. No.27 of 2015 filed by the former husband are directed against the judgment and order dated 02.12.2014 delivered in Misc. 51 of 2014 by the Judge, Family Court, Agartala, West Tripura, these are clustered for disposal by a common judgment.

03. The former wife by filing the revision petition under Section 19(4) of the CrPC has contended that the maintenance allowance as provided by the Family Court at Rs.2,000/- for herself and Rs.2,000/- for her daughter is so meagre that their destitution is inevitable. According to Ms. Deb Gupta, learned counsel that the former husband's monthly income is at Rs.30,000/- per month from his Homoeopathy practice and from the landed properties.

04. From the other side, Mr. S. C. Das, learned counsel has categorically submitted that the former wife could not lead any evidence to show that the former husband has the income to the extent of Rs.30,000/- per month. In reality, the former husband, the petitioner in Crl. Rev. P. No.27 of 2015, is a day labourer and he has income of about Rs.10,000/- per month, and no more than that, and as such the quantum of the maintenance is too heavy to be paid. He has urged for reducing the said maintenance allowance.

05. For the purpose of appreciating the rival contentions as projected by the learned counsel for the parties, this court after examining the records finds that the petitioner in Crl. Rev. P. No.08 of 2015, the former wife obtained a divorce decree ex parte from the Court of the Addl. District Judge, Fast Tract Court No.2 at Barrackpore, North 24 Parganas, West Bengal and she had not claimed any maintenance earlier. But she has claimed the maintenance for herself and for her daughter by instituting a proceeding under Section 125 of the CrPC being Misc. 51 of 2014 in the Family Court, Agartala. In the petition, she has stated that she had to leave the matrimonial home for mental and physical torture. The respondent, the petitioner in Crl. Rev. P. No.27 of 2015, the former husband did not maintain them by providing any maintenance allowance or making provision otherwise.

06. Mr. Das, learned counsel appearing for the former husband, Sri Salil Sharma has submitted that the petitioner in Crl. Rev. P. No.27 of 2015 has remarried after the decree of divorce was passed. On re-marriage, he has his own family which comprised of his old parents and as such the quantum of maintenance as determined by

the Family Court is too exorbitantly disproportionate to be paid by the petitioner.

07. After considering all these aspects as canvassed, this court is not inclined to unsettle the quantum of maintenance allowance as decided by the Family Court, Agartala, West Tripura and as such no interference is called for in the impugned order. Before parting with the record, the petitioner in Crl. Rev. P. No.27 of 2015 is directed to pay the arrear maintenance allowance within 31st August, 2015 without fail. That apart, he must regularly pay the maintenance allowance in the mode as has been determined by the Family Court, Agartala, West Tripura. It is made further clear that in the event of his failure to comply with the direction of this court or the direction of the Family Court, he shall be proceeded stringently under Section 125(3) of the CrPC read with Section 128 of the CrPC. As the petitioner in Crl. Rev. P. No.27 of 2015 did not lay any pleading or evidence in respect of his former wife's remarriage, the order will not put any embargo for his approaching the Family Court for altering the maintenance allowance on the change of circumstances.

With this observation and direction, these petitions are disposed of.

Send down the LCRs forthwith.

JUDGE