

Party Name : SMT. MINATI SAHA ROY Vs TAPAS ROY

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THE HONBLE MR. JUSTICE S.TALAPATRA

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Heard Mr. A. Bhowmik, learned counsel appearing for the petitioner as well as Mr. P. K. Ghosh, learned counsel appearing for the respondent.

As agreed to by the learned counsel appearing for the parties, this petition has been taken up for consideration on admission.

This is a petition under Section 19(4) of the Family Courts Act, 1984 against the judgment and order dated 20.11.2014 delivered in Misc. 91 of 2014 by the Judge, Family Court, Agartala, West Tripura.

Mr. Bhowmik, learned counsel for the petitioner has submitted that the maintenance allowance as granted by the impugned judgment and order dated 20.11.2014 is so meagre that the petitioner would hardly survive with that amount of maintenance allowance. He urged for enhancement of the maintenance allowance having regard to the income of the respondent to the extent of Rs.8,000/- which he is receiving as the wage as he is employed in a garment shop at Agartala.

From the other side, Mr. Ghosh, learned counsel for the respondent has seriously opposed such statement and contended that there is no evidence that the respondent is earning Rs.8,000/- per month. On the contrary, the respondent has led adequate evidence to show that he is earning Rs.3,000/- per month. As DW-1, the respondent has stated in the court that he is earning Rs.3,000/- per month and that statement has been corroborated by the employer, DW-3 namely Sri Uttam Pal who stated that he was giving the respondent wage of Rs.3,000/- per month.

In view of this, this court does not find any merit in the submission that the maintenance allowance requires to be enhanced. But Mr. Bhowmik, learned counsel for the petitioner has made a further point that the Judge, Family Court, Agartala, West Tripura has given the maintenance allowance only w.e.f. 01.11.2014 not from the day when the application was filed on 04.03.2014. This prayer as made by the petitioner has substantive force and accordingly it is ordered that the maintenance allowance @ Rs.1,500/- be paid w.e.f. 01.04.2014. Thus, there is arrear of the maintenance allowance for 7 months.

Having considered the earning of the respondent, it is directed that the entire arrear of maintenance allowance i.e. Rs.10,500/- shall be paid in equal 10 instalments from the next month i.e. June 2015 along with the regular maintenance allowance and the respondent shall continue to pay the instalments of the arrear maintenance allowance for the next 10 months in the same manner.

With this observation and direction, this revisional petition stands disposed of.