

Party Name : SANTANU ROY Vs SUSMITA BHATTACHARJEE

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THE HONBLE MR. JUSTICE S.TALAPATRA

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Heard Mr. D. Bhattacharjee, learned counsel appearing for the petitioner as well as Mr. B. Saha, learned counsel appearing for the respondent.

By this petition filed under Section 19(4) of the Family Courts Act, 1984, the petitioner-husband has challenged the order dated 05.03.2015 delivered in Misc. 04 of 2013 by the Judge, Family Court, Agartala, West Tripura whereby the petitioner has been directed to provide maintenance to the respondent and her minor son respectively at the rate of Rs.2,500/- and Rs.1,500/- per month. Thus, the total maintenance allowance comes to Rs.4,000/- per month w.e.f. 01.03.2015 which shall be paid by the petitioner within 10th day of every English calendar month by way of money order. The money order commission has to be borne by the petitioner.

Mr. Bhattacharjee, learned counsel for the petitioner has submitted that for no fault of the petitioner the respondent has left the matrimonial home and as such the respondent- wife is not entitled to get the maintenance allowance in terms of sub-section 4 of Section 125 of the Cr.P.C.

Mr. Bhattacharjee, learned counsel has further succinctly asserted that there was no refusal in maintaining her.

This court has scrutinised the records of evidence as well as the petition that is filed under Section 125 of the Cr.P.C. by the respondent seeking the maintenance as stated. Even the objection filed by the petitioner herein as the opp. party in the proceeding being Misc.04 of 2013 has been scrutinised. Above all, this court has re-appreciated the evidence that has been led by the petitioner and the respondent.

It appears that the respondent was being ill treated on different pretexts. Even there had been exercise for conciliation for mending the ways so that both the petitioner and the respondent can live their conjugal life peacefully. It appears that the matter is also taken up by Tripura Commission for women on the complaint of the respondent. The complaint of the respondent has been made part of the proceeding from where it can be gathered that there had been sufficient reasons for leaving the matrimonial home. Apart from the witnesses of the respondent in the proceeding, this court has considered the witnesses adduced by the petitioner who was the opp. party in that proceeding. D.W.3, Sri Subodh Ch. Dey and D.W.4, Sri Dilip Kr. Bhattacharjee have categorically stated in the proceeding that there was serious mal-adjustment between the petitioner and the respondent.

Therefore, this court can safely come to the inference that the Family Court has rightly observed that the petitioner did not leave the matrimonial home voluntarily and without any sufficient cause.

Having observed thus, this court is of the view that there is no merit in the petition and accordingly the same is dismissed.

Send down the LCRs.