

Party Name : PRADIP DAS Vs SOMA RANI DAS & ANR

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THE HONBLE MR. JUSTICE S.TALAPATRA

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Heard Mr. N. Majumder, learned counsel appearing for the petitioner.

By filing this petition under Section 19(4) of the Family Courts Act, 1984, the petitioner has challenged the order dated 29.05.2015 delivered in Misc. No.163 of 2008 by the Judge, Family Court, Agartala, West Tripura.

The respondents filed a petition under Section 125 of the Cr.P.C. being Misc. No.163 of 2008 as the petitioner was refusing her, her son, the respondent No.2 to maintain. When the matter was taken earlier, the Judge, Family Court granted the maintenance allowance to the respondent No.2, but not to the respondent No.1. As a result, there was a revision petition and that revision petition was allowed. The entire matter was remanded for fresh consideration of the Judge, Family Court, Agartala, West Tripura.

By the impugned order the Judge, Family Court, West Tripura, Agartala has directed the petitioner to pay a sum of Rs.3,000/- (Rupees three thousand) per month w.e.f. 01.05.2015 without any arrear maintenance.

Mr. Majumder, learned counsel in the course of his projecting the challenge has submitted that the petitioner had never any intention to refuse the maintenance but it is the respondent No.1 who at her whim used to leave the matrimonial home causing serious distress to the petitioner. Even the petitioner instituted a suit under Section 9 of the Hindu Marriage Act, 1955 for restitution of the conjugal rights but Mr. Majumder, learned counsel has fairly admitted that the Judge, Family Court, Agartala, West Tripura has dismissed his suit but the petitioner is relentless to get his wife back to the matrimonial relation and hence he has filed an appeal under Section 19(1) of the Family Courts Act, 1984 against the said judgment delivered in TS (RCR) No.145 of 2008. Mr. Majumder, learned counsel has informed this court that the said appeal has already been admitted being F.A. No.08 of 2015.

After going through the entire order as well as the grounds taken in this petition, this Court is of the view that there is no infirmity in the order. More so, when the petitioner has himself admitted that the respondent No.1 does not have any means of income and for matrimonial discord she is living separately, it is the duty of the petitioner to maintain his wife, the respondent No.1.

Without discharging that duty, the petitioner has challenged this order which accordingly the Court would only add further tension to the matrimonial relation.

Having observed thus, this petition is dismissed.

Before parting, it is observed that the petitioner may file an application for reconciliation of the matter in the appeal as aforesaid and for that purpose rejection of this petition shall not have any impact whatsoever.