

Party Name : PRADIP DAS Vs SMT. JYOTSNA DAS

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THE HONBLE MR. JUSTICE S.TALAPATRA

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Heard Mr. P. Majumder, learned counsel appearing for the petitioner as well as Mr. D. C. Nath, learned counsel appearing for the respondent.

A short question is involved in this revisional petition whether the Judge, Family Court, Udaipur, South Tripura has properly decided the quantum of the maintenance or not. There is no challenge against the other findings as returned by the Judge, Family Court, Udaipur, South Tripura by the judgment and order dated 19.12.2013 delivered in case No.CR (Misc) No.90 of 2013 which is under challenge in this petition. By the impugned judgment and order the respondent has been getting maintenance at Rs.3,000'00 per month.

There is no dispute that the respondent who filed the petition under Section 125 of the Cr.P.C. claiming maintenance against the petitioner is living separately after she was forced to leave the matrimonial home. She even filed a complaint which has been registered by the concerned police station under Section 498-A of the IPC.

Even though the petitioner claimed that he is only a Government employee but the respondent has laid evidence to show that he has some shops from where he earns some rent. His income has been estimated by the respondent at Rs.15,000/- per month.

Mr. Majumder, learned counsel for the petitioner has submitted that the gross income of the petitioner is Rs.7,474/- and out of that Rs.120 is deducted as professional tax, per month.

But Mr. D. C. Nath, learned counsel for the respondent has disputed that fact submitting that he is earning substantially from those shops.

Be that as it may, this Court does not find any illegality in the determination of the quantum by the Judge, Family Court, Udaipur, South Tripura.

Hence, this petition stands rejected.