

THE HIGH COURT OF TRIPURA
AGARTALA

Crl. Rev. P. No. 86 of 2012

Petitioner :

Dr. Tilak Bhattacharjee,
S/o. Lt. Chitta Ranjan Bhattacharjee,
Garwan Patty, Near Kamala Press,
P.p-Tejpur, Pin Code No.784001,
Assam.

By Advocate :

None.

Respondent :

Dr. Chirashree Bhattacharya (Chakraborty)
W/o. Dr. Tilak Bhattacharjee,
D/o. Shri Asit Chakraborty,
Old Kalibari Lane, Krishnanagar,
Agartala-799001, West Tripura.

By Advocate :

Dr. H. K. Bhattacharji, Adv.

B E F O R E
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

Date of hearing and
Judgment & Order : **10th April, 2015.**

Whether fit for reporting :

Yes	No
	✓

J U D G M E N T & O R D E R(Oral)

When the case was called up for hearing none appeared for the petitioner.

[2] This petition has been filed by the petitioner-husband challenging the order dated 13.09.2012 passed by the learned Family Court, Agartala, West Tripura whereby the maintenance on behalf of the respondent-

wife and her minor son has been enhanced from Rs.1500/- per month to Rs. 5000/- per month.

[3] The undisputed facts are that the petitioner was married to the respondent and out of this wedlock one son was born. The relations between the husband and wife got strained and the husband instituted a divorce petition in the Courts in West Bengal. The wife filed a petition before the Family Court, Agartala for grant of maintenance under Section 125 Cr. P. C and vide order dated 30th November, 2004 maintenance was granted to the wife and the minor son @ Rs.1500/- each per month. The original order of grant of maintenance dated 30.11.2004 was not challenged by the husband.

[4] Thereafter in the year 2010 the wife filed a petition under Section 127 Cr. P.C for enhancement of maintenance claiming that now after the passage of eight years money value had come down and that the salary of her husband had increased. Keeping in view these facts the learned family Court enhanced the maintenance to Rs.5000/- each in favour of the wife and the minor son.

[5] This petition has been filed by the husband and the main ground raised is that the wife being a doctor is not entitled to any maintenance. However, the husband has not proved what is the income of the wife and where she is employed.

[6] Today also none is present to represent the husband. I have gone through the record and from the record I do not find anything to indicate that the income of the wife is sufficient to maintain herself. Money value has decreased and the wife cannot be denied maintenance.

[7] In this regard, it would also be pertinent to mention that in the year 2004 maintenance was awarded in favour of the wife. The husband never challenged that order on the ground that his wife is earning. She was a doctor even at that stage but he did not challenge the basic order whereby the wife was held entitled to maintenance. He has only challenged the order whereby the maintenance has been enhanced. In this case he cannot be heard to argue that the wife is not entitled to maintenance at all. The amount of maintenance granted is absolutely reasonable.

[8] Therefore, I find no reason to interfere in the case and the petition is accordingly dismissed. Stay order is vacated and it is directed that the husband shall pay the entire arrears of maintenance in terms of the order of the Family Court to the wife and the minor son within a period of 3(three) months from today, failing which the respondent-wife may take appropriate action in accordance with law.

Send down the LCRs forthwith.

CHIEF JUSTICE