

IN THE HIGH COURT OF TRIPURA
AGARTALA

CRL. REV. P. NO.69 OF 2014
CRL. REV. P. NO.82 OF 2014

IN
CRL. REV. P. NO.69 OF 2014

Smt. Sharmistha Saha (Roy),
wife of Sri Manish Roy,
daughter of late Nirmal Chandra Saha,
resident of Gandhighat, Hospital Road Extension,
Agartala, District : West Tripura
..... Petitioner

– Vs –

Sri Manish Roy,
son of Sri Indra Bhusan Roy,
resident of Old Kalibari Lane,
near the shop of Raima Paniya Jal,
Krishnanagar, P.S. West Agartala,
P.O. Agartala, District : West Tripura
.....Respondent

For the petitioner : Mr. S. Lodh, Advocate
For the respondent : Mr. R.G. Chakraborty, Advocate

IN
CRL. REV. P. NO.82 OF 2014

Sri Manish Roy,
son of Sri Indra Bhusan Roy,
resident of Old Kalibari Lane,
Krishnanagar, P.S. West Agartala,
P.O. Agartala, District : West Tripura
Present Address :
Regional Head Customer Support,
Jet Inks Private Limited, Ground Floor,
DC 9/14, Shastri Bagan, Baguihati,
Kolkata-700059, P.S. Dumdum,
District : North 24 Parganas, West Bengal
..... Petitioner

- Vs -

Smt. Sharmistha Roy (Saha),
wife of Sri Manish Roy,
daughter of late Nirmal Chandra Saha,
resident of Gandhighat, Hospital Road Extension,
P.O. Agartala, P.S. West Agartala,
District : West Tripura, PIN : 799001
.....Respondent

For the petitioner : Mr. R.G. Chakraborty, Advocate
For the respondent : Mr. S. Lodh, Advocate

B E F O R E
THE HON'BLE MR. JUSTICE S. TALAPATRA

Date of hearing & order : 23.03.2015

Whether fit for reporting :

Yes	No
	√

JUDGMENT & ORDER (ORAL)

Heard Mr. S. Lodh, learned counsel appearing for the petitioner in Crl.Rev.P.No.69/2014 and for the respondent in Crl.Rev.P.No.82/2014 as well as Mr. R.G. Chakraborty, learned counsel appearing for the respondent in Crl.Rev.P.No.69/2014 and for the petitioner in Crl.Rev.P.No.82/2014.

2. By these petitions, the order dated 06.08.2014 delivered in case No. Miscellaneous 224/2011 by the Judge,

Family Court, Agartala, West Tripura, has been challenged, even though the grounds of objection are different.

In Crl.Rev.P.No.69/2014, the principal ground of objection is that the quantum of maintenance as determined by the Judge, Family Court, Agartala, West Tripura is extremely low in consideration of the status of the wife and the income of the husband, whereas in Crl.Rev.P.No.82/2014, the principal ground of objection is that the quantum of maintenance is too high and disproportionate to the income of the husband.

3. There is no dispute that the wife (the petitioner in Crl.Rev.P. No.69/2014 and the respondent in Crl.Rev.P.No.82/2014), does not earn anything and she has been compelled by the circumstances to live separately. It is also not in dispute that till the wife filed the petition for granting maintenance, being Case No. Miscellaneous 224/2011, the husband did not pay her any allowance for her maintenance. Having due regard to the circumstances, by the impugned order dated 06.08.2014, the Judge, Family Court, Agartala, West Tripura, has directed the husband to pay a sum of ₹8,000 per month to the wife w.e.f. 01.08.2014 and such amount shall be continued to be paid by 10th of every English calendar month.

4. Mr. R.G. Chakraborty, learned counsel appearing for the husband, has submitted that even though the husband is earning a bit more, but his parents are substantially dependant on his income and that the allegations as brought against the husband by the wife are all unfounded.

5. From the other side, Mr. S. Lodh, learned counsel appearing for the wife, has submitted that the husband had already instituted a proceeding for dissolution of marriage by a decree of divorce, but the wife since is very much keen to keep the conjugal life with the husband, she has been opposing such prayer and she would not allow her husband to take advantage of his matrimonial misconduct. Mr. Lodh, learned counsel, has further submitted that the wife is entitled to the maintenance according to her status.

6. Having regard to the submissions made by the learned counsel appearing for the parties as well as on perusal of the records so produced, this court is of the view that the wife is entitled to the maintenance allowance something more than what has been granted by the Judge, Family Court, Agartala, West Tripura.

7. Accordingly, it is directed that the husband (the petitioner in Crl.Rev.P. No.82/2014 and the respondent in Crl.Rev.P.No.69/2014), shall pay a sum of ₹10,000 (rupees

ten thousand) per month to the wife (petitioner in Crl.Rev.P. No.69/2014 and the respondent in Crl.Rev.P.No.82/2014), subject to the adjustments, if any, paid to the wife, either in compliance with the order of interim maintenance or otherwise. It is made clear that the modified amount of maintenance by means of this order shall be paid to the wife w.e.f. 01.04.2015, which will be payable on 01.05.2015. It is further made clear that if the husband has not paid any part of the maintenance allowances as directed by the Judge, Family Court, Agartala, West Tripura or by any other court, the arrear maintenance shall be paid within a period of 6(six) months, starting from 1st April, 2015 and such arrear shall be paid without any excuse by 30th September, 2015, either at one go or by instalments, according to the convenience of the husband. But, it is made clear that, if such arrear maintenance is not paid within the period as stipulated above, the said amount shall carry interest @ 9% per annum w.e.f. 01.10.2015.

8. With this observation and direction, both the petitions, being Crl.Rev.P.No.69/2014 and Crl.Rev.P.No.82/2014, stand disposed of.

JUDGE

ROY