

Party Name : SUDIP SARKAR Vs SANKARI SARKAR

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THE HONBLE MR. JUSTICE S.TALAPATRA

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With the consent of the learned counsel representing the parties, this matter is taken up for consideration at this stage.

It appears that there is change in the circumstances. Both Mr. D. Datta, learned counsel appearing for the petitioner as well as Dr. H. K. Bhattacharjee, learned counsel appearing for the respondent narrated the respective facts for their party whom they are representing before this Court.

Mr. Datta, learned counsel for the petitioner has submitted that only son of the petitioner and the respondent is now studying in the engineering course and as such the petitioner has to bear the additional burden of expenditure. As such, Mr. Datta, learned counsel has submitted that if the amount of maintenance is not reduced having regard to the fair quantum, the petitioner would suffer distress.

Dr. Bhattacharjee, learned counsel for the respondent has however submitted that the petitioner's income is sufficient enough to bear such expenses.

Having regard to all the aspects and after re-estimating the income of the petitioner, this Court is of the considered opinion that if the quantum of the maintenance is reduced to Rs.5,000/-(Rupees five thousand), the respondent shall not suffer any disadvantage inasmuch as the respondent is admittedly staying in the accommodation provided by the petitioner and the petitioner has been looking after that the upkeep of the accommodation. Thus the respondent is not required to make any expense on that account.

Accordingly, the impugned order dated 11.11.2010 delivered in Misc. 251 of 2009 by the Family Court, Agartala, West Tripura is slightly modified. The petitioner is directed to pay Rs.5,000/-(Rupees five thousand) to the respondent-wife within 10th day of every English calendar month without fail, else he would face the enforcement action without further notice. Apart that, within 15 days from today the respondent shall communicate the petitioner regarding arrears of the maintenance in terms of the impugned order and such arrears of maintenance shall be paid within a period of three months from the date when the respondent shall communicate the account of the arrears to the petitioner. The modified quantum of the maintenance will be effective from 01.04.2015 meaning thereby the payment in terms of this order shall be made from 01.05.2014. The arrears shall be accounted on the basis of the order dated 11.11.2010. The mode of remittance shall remain the same as stipulated in the impugned order dated 11.11.2010.

Having observed thus, this petition is allowed with modification as indicated above and disposed of.