

Party Name : SUKANTA DAS Vs SMT. ARUNA DAS

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THE HONBLE MR. JUSTICE S.TALAPATRA

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Heard Mr. D. C. Roy, learned counsel appearing for the petitioner as well as Mr. G. K. Nama, learned counsel appearing for the respondent.

This is a petition under Section 19(4) of the Family Courts Act, 1984 against the order dated 24.11.2014 passed by the Judge, Family Court, Kailashahar, Unokoti in case No.Crl. Misc.(125)-03/2014 whereby the petitioner has been directed to pay Rs.4,000/- per month as maintenance w.e.f. 01.11.2014.

Mr. Roy, learned counsel for the petitioner has strenuously argued that the decision has been taken ex parte as he did not respond to the notice but before passing of the order, according to Mr. Roy, learned counsel for the petitioner, the Judge, Family Court, Kailashahar, Unokoti Judicial District ought to have provided an opportunity for filing the written objection or cross examining the witnesses of the respondent.

This Court is unable to accept such submission. That apart, Mr. Roy, learned counsel has submitted that the respondent has filed an application for dissolution of marriage whereas the petitioner has filed another application for restitution of the marriage and both the applications are pending before the Judge, Family Court, Kailashahar, Unokoti Judicial District.

From the impugned order, it appears that the petitioner is earning around Rs.27,000/- per month as a Railway employee. There is no objection as to the correctness of the income. Having regard to the social status of the petitioner and the respondent, this Court finds no unreasonableness or perversity in the order of maintenance and as such this petition fails and it is accordingly dismissed.

It is made clear that the petitioner shall be at liberty to approach the Court of the Judge, Family Court, Kailashahar, North Tripura if there is change in the circumstances and this order shall not stand in the way.