IN THE HIGH COURT OF TRIPURA
A G A R T A L A
Crl.Rev.P.No.53 of 2019

Sri Asish Das,
son of late Kalicharan Das,
resident of Laxmipur(Chanpur),
P.S. Bodhjungnagar, P.O. Khayerpur ,
District : West Tripura

..... Petitioner(s)

– V e r s u s –

1. Smti. Namita Das,
wife of Sri Asish Das

2. Master Abhinaba Das
son of Sri Asish Das

-both are residents of Jogendranagar,
Khudiram Para, Bankumari,
P.O. Jogendranagar,
P.S. East Agartala,
District : West Tripura

..... Respondent(s)

For Petitioner(s)	:	Mr. Suman Bhattacharjee, Adv.
For Respondent(s)	:	Mr. Anujit Dey, Legal Aid Counsel.
Date of delivery of Judgment & Order	:	07.01.2020
Whether fit for reporting	:	YES: ; NO: √

BEFORE
HON'BLE MR. JUSTICE S. TALAPATRA

JUDGMENT & ORDER(Oral)

Heard Mr. Suman Bhattacharjee, learned counsel appearing for the petitioner as well as Mr. Anujit Dey, learned Legal Aid Counsel appearing for the respondents.

2. This petition has been converted to a petition under Section 19(4) of the Family Courts Act, 1984. By this petition, the order dated 05.04.2019 delivered in Misc.497 of 2018 has been challenged. By the said order, the maintenance of the respondents has been enhanced from

Rs.6000/- to Rs.15,000/- per month in the proceeding under Section 127 of the Cr.P.C.

3. Mr. Bhattacharjee, learned counsel appearing for the petitioner has submitted that the petitioner has received one notice which is unsigned. Mr. Bhattacharjee, learned counsel has referred to Annexure-2 which is photo copy of the notice without any change. From that copy, it appears that the Judge, Family Court did not authenticate that notice nor did any officer under his control did so. According to Mr. Bhattacharjee, learned counsel that is the sole reason that the petitioner did not believe it to be the notice from the court and as such, he did not appear in the said proceeding.

4. It is very difficult to believe that such thing can happen. But from the records it is apparent that the notice had been issued without authentication from the Family Court.

5. Be that as it may, as the petitioner did not appear in the said proceeding enhancement to the extent of 65% has been ordered. In the circumstances, this court is of the view that an opportunity be afforded to the petitioner to have his say in the proceeding on enhancement of the maintenance allowance under Section 127 of the Cr.P.C. Accordingly, the impugned order as stated stands interfered with and quashed, but not on merit.

The petitioner shall file the objection against the objection within a period of fifteen days from today in the court of the Family Judge. Thereafter, the Family Judge shall hear the parties and pass the appropriate order within a period of three months. If required, the Judge, Family Court may record evidence to pass the final order. Till then, the petitioner shall continue to pay the respondents a sum of Rs.15,000/- per

month . But this interim arrangement shall in no way influence the final outcome.

In terms of the above, this petition stands partly allowed.

There shall be no order for costs.

LCRs be sent down forthwith.

A copy of this order be furnished to the learned counsel for the parties.

JUDGE

HIGH COURT OF TRIPURA