HIGH COURT OF TRIPURA
AGARTALA

Crl.Rev.P. 33 of 2024

Shri Tarunava Debroy

..... Petitioner(s)

Versus

Smt. Reshmi Nag(Debroy) and another

..... Respondent(s)

For Petitioner(s)	:	Mr. AL Saha, Advocate. Mr. Abheek Saha, Advocate.
For Respondent(s)	:	Mr. PK Pal, Advocate. Ms. M. Majumder, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

O R D E R

21.06.2024

This petition under Section 397, 401 of Criminal Procedure Code, 1973 read with Section 19(4) of the Family Courts Act, 1984 challenging the ex-parte order of interim maintenance dated 29.02.2024 passed by the learned Addl. Family Judge, West Tripura, Agartala in Crl. Misc(Int.)/335/2023 directing the petitioner to pay Rs.30,000/- as monthly ad-interim maintenance till disposal of the main case Crl. Misc.334 of 2023.

[2] The case of the petitioner in brief is that he is an ex Indian Navy personnel who worked with Indian Navy for 20 years and after completing his 20 years' service with Indian Navy, recently he joined a non-govt. company. The respondents filed an application bearing no. Crl.Misc (Main)/334/2023 under section 125 of Cr.P.C seeking for monthly maintenance of Rs. 47,000/- before the Court of Addl. Family Judge, West Tripura and they also filed one separate application for interim maintenance bearing no. Crl. Misc (Int.)/335/2023 before the same jurisdictional court but according to the petitioner, Notice/Summons of the same was never received by him. The instant petition has been filed before this Court challenging the legality of the

interim maintenance order dated, 29.02.2024 passed by the learned Addl. Family Court, West Tripura, wherein a sum of Rs. 30,000/ monthly interim maintenance was awarded to the respondents. According to the petitioner, learned Addl. Family Court, West Tripura, Agartala, allowed the Crl. Misc. (Int.)/335/2023 in part without ensuring service of proper notice to the instant petitioner-husband and thereby, deprived the petitioner without giving any opportunity to file objections in the Interim case Crl. Misc (Int.)/335/2023. It is contended that the petitioner received the *ex-parte* ad interim maintenance impugned order only on 27.03.2024 through email from the learned lawyer of respondent no. 1 and then only the petitioner came to know about Crl. Misc. (Int.)/335/2023.

[3] Heard learned counsel for the parties. Perused the record.

[4] Without going into the merits of this case, this Court is of the view that ends of justice would be met if the matter is remanded back to the concerned authority so that, an opportunity of hearing to the petitioner may be given. The authority concerned is directed to pass an order deciding the matter with regard to law as expeditiously as possible. Accordingly, the matter is remanded back to the concerned authority for fresh adjudication. As a result, the *ex-parte* impugned order dated 29.02.2024 is set aside.

With the above directions, the present writ petition is disposed of. Miscellaneous application(s) pending if any, shall also stand closed.

JUDGE

Sabyasachi G.

SABYASACHI GHOSH

Digitally signed by SABYASACHI GHOSH
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HIGH COURT OF TRIPURA