

**HIGH COURT OF TRIPURA
AGARTALA
Crl. Rev. P. No.15 of 2023**

Smt. Kalpana Das,
Wife of Sri Ajay Das,
Daughter of late Nagesh Das, aged about ___ years
Resident of Sonamura, P.O. Lankamura,
PS- West Agartala, District – West Tripura.

----Petitioner(s)

Versus

1. Sri Ajay Das,
Son of Sri Manoranjan Das,
Resident of Battala, Gash Bazaar,
Near Joynagar, Dashamighat Road No.1,
P.O. Agartala, PS- West Agartala, District – West Tripura.

2. The State of Tripura

----Respondent(s)

For Petitioner(s)	:	Mr. S. Lodh, Adv, Mr. S. Majumder, Adv.
For Respondent(s)	:	Mr. S. Ghosh, Addl. P.P, Mr. R. G. Chakraborty, Adv.
Date of hearing	:	22.02.2024
Date of delivery of Judgment & Order	:	29.02.2024
Whether fit for reporting	:	YES

HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order

This Criminal Revision Petition is filed under Section 19(4) of the Family Courts Act, 1984 challenging the judgment and order dated 05.11.2022 passed in connection with Case No. Crl. Misc 181 of 2020 delivered by Learned Judge, Family Court, Agartala, West Tripura whereby the Learned Judge, Family

Court Agartala has rejected the petition for granting maintenance allowance filed by the petitioner.

2. The gist of the petition filed by the petitioner before the Learned Family Judge was that her marriage was solemnized with O.P. Ajay Das on 19.04.2019 as per Hindu Marriage Rites and Customs at Sanmura, Agartala, District, West Tripura in presence of the well-wishers of both the parties. After the marriage, the petitioner went to her matrimonial home and started resuming conjugal life with OP as husband and wife. The petitioner asserted that on the first night of her marriage, she noticed that the OP was partially handicapped and after marriage, she also heard that previously the OP got married which was later on dissolved by a decree of divorce. On the first day of 'boubhat', the OP took away her mobile phone for which she could not communicate with her parents and others. On the following day of her boubhat at about 11pm, the OP and other relatives took her to their worship room and scolded her saying that her parents had given sub-standard quality of articles which might have stolen from somewhere and given in marriage. They demanded more article as dowry. Not only that the mother-in-law on each and every day used to abuse her in slang languages and used to scold her saying that they would not receive anything from her hand as she was of dark complexion. The petitioner has to do all the household works although her mother-in-law and other in-laws used to scold her and she used to remain in half fed and unfed for days together.

Even she was also not allowed to visit her parent's house during dhiragaman. On 26.05.2019, the petitioner came to know that the younger brother of the petitioner sustained burn injuries on his leg and after hearing the news, she informed the OP and her family members to take her to see her brother but the OP refused and scolded her by saying that she was telling lie. After that, on 29.05.2019, she was allowed to visit her brother when the petitioner made the OP understand. But after coming to her parent's house, she disclosed all the miserable facts and mental torture committed upon her at her matrimonial home and expressed her unwillingness to go back to her matrimonial home as she apprehended that if she returns back she would be killed. As the financial condition of her brother was not sound, it was difficult on his part to maintain the petitioner. The OP also never enquired about her nor visited the parent's house of the petitioner and since then she has been residing at her parent's house having no source of income. It was further submitted that the OP was earning Rs.10,000-12,000/- per month but he was not paying any maintenance to the petitioner. Hence, the petitioner filed the petition before the Court seeking maintenance.

3. In obedience to the notice issued, the OP contested the proceeding by filing written objection and he admitted the fact of his marriage with the petitioner. But he denied the entire allegation in averments made by the petitioner in her petition. The OP further took the plea that the petitioner was aware that

he is partially handicapped and a divorcee and as such she agreed to marry him and this matter was disclosed prior to the marriage and the petitioner's family visited his residence two/three occasions. It was further asserted that on the day of marriage, the petitioner and her family members started abusing him saying that he is a handicapped person cannot walk properly and he looks like an idiot but the OP did not react to their comments and after completion of marriage ceremony she started saying that she does not want to reside with the OP as husband and wife and after several persuasion she agreed to go to her matrimonial home. It was further asserted that after coming to her matrimonial home she was given all respect by the OP and his family members but the petitioner was always living with a mindset that her husband is handicapped and used to abuse him saying that all his family members have made her fool by giving her marriage with a handicapped person and she was not willing to do household works. The OP further submitted that all the time the petitioner was engaged with her mobile phone and used to talk regularly with her family members. In one occasion, her sister-in-law came to the matrimonial home of the petitioner and started shouting to the mother-in-law of the petitioner saying that why the petitioner could not receive her call and she would face dire consequences in future. The OP further submitted that when the brother of the petitioner sustained injury she was sick and all the family members in the matrimonial home suggested her not to visit

her parent's house to see her brother and on the next day, the petitioner remained sick and father of the OP rushed to parent's house of the petitioner and told them they will help in the situation if anything is needed and when the petitioner recovered from her illness, she went to see her brother but after going to her parent's house, she did not return back to her matrimonial home inspite of repeated request, saying that she will not return back and refused to live her life with OP. The OP requested her to return back but she abused him over phone. He further stated that he does not earn Rs.10,000-12,000/- per month rather he earns Rs.3,500/- as an employee in a garment shop and he is very much eager to resume his conjugal life with the petitioner but the petitioner voluntarily left her matrimonial home. So, she is not entitled to get any maintenance.

4. To substantiate the case, the petitioner before the Learned Court below adduced two witnesses and the OP himself examined himself as OPW-1. Thereafter, after hearing both the sides, Learned Judge, Family Court dismissed the petition of the petitioner claiming maintenance.

5. For the sake of convenience, the operative portion of the order of the Learned Family Judge runs as follow:

ORDER

In the result, the petition filed by the petitioner Smt. Kalpana Das against the O.P. Shri Ajoy Das U/S 125 of Cr.P.C. claiming maintenance stands rejected.

In view of the above, the instant case is hereby disposed of on contest.

Supply a copy of this order to both the parties free of cost for taking necessary steps.

6. Heard Mr. S. Lodh, Learned Counsel for the petitioner-wife and also heard Mr. R. G. Chakraborty, Learned Counsel for the OP-husband.

Learned Counsel for the petitioner submitted that the petitioner had a strong case in her favour but the Learned Court below without any basis by the impugned order rejected the claim petition of the petitioner. It was argued by Learned Counsel for the petitioner that the OP did not dispute his marriage with the petitioner and the petitioner was subjected to mental and physical torture at her matrimonial home for which she was compelled to leave her matrimonial home. It is fairly submitted by Learned Counsel for the petitioner that the OP husband was a divorcee person and knowing fully the physical disability, he married the petitioner and failed to maintain marital obligation with the petitioner being a legally wedded husband. Learned Counsel further submitted that the OP although took the plea that he is totally disabled and relied upon disability certificate but to substantiate his claim, no officer or authority who issued the certificate was produced before the Learned Court below. So, no reliance can be placed upon the disability certificate. Learned Counsel further submitted that if for argument's sake, it is found that the OP husband is a disabled person, in that case also, he cannot escape from the liability of paying maintenance to the petitioner and furthermore, since the OP husband has suppressed the fact

of his disability at the time of marriage to the petitioner and her family. So, it is a clear case of cruelty upon the petitioner and submitted that Learned Court below did not consider all these aspects and rejected the application of the petitioner for which he sought intervention of the Court and urged for setting aside the order passed by the Learned Court below and prayed for granting maintenance allowance in favour of the petitioner.

7. On the other hand, Mr. R. G. Chakraborty, Learned Counsel for the OP husband submitted that the OP does not deny his marriage with the petitioner but he is totally a disabled person having no source of income and furthermore, there was no refusal or neglect on the part of the OP husband to provide maintenance to the petitioner and the petitioner herself voluntarily without any justified grounds left her matrimonial home. Learned Counsel further submitted that the OP husband filed a case for restitution of conjugal rights where an ex parte decree was passed and inspite of allowing decree, the petitioner wife did not join at her matrimonial home to resume conjugal life with the OP husband. Situated thus, according to Learned Counsel, the Learned Court below rightly and reasonably dismissed the petition seeking maintenance and asked for upholding the order dated 05.11.2022 rejecting the maintenance petition by the Learned Family Judge.

8. I have heard submission of Learned Counsel for both the parties at length and gone through the record of the Learned Court below. The subject matter of the dispute has

been discussed above in detail. Now let us examine what evidences were adduced by the parties before the Learned Court below to substantiate the claim and counter-claim.

9. As already stated, the petitioner has adduced two witnesses including herself. The petitioner Smt. Kalpana Das as PW-1 in her examination-in-chief stated that her marriage was solemnized with the OP Ajay Das on 19.04.2019 as per Hindu Marriage Rites and Customs. After the marriage, she went to her matrimonial home at Battala and started residing with the OP as husband and wife. After marriage, she noticed that OP is having some physical problem which was not disclosed at the time of marriage. After a week, the OP and his family members started mental torture upon her on the ground that she had black complexion and not good looking. The OP and his family members arranged the marriage after seeing her but inspite of that they started insulting her. The OP even on occasions used to cause physical torture upon her and beat her. She was tortured on the ground that her parents could not give TV, fridge, etc at the time of marriage but after few days of marriage, the OP and his family members took away her mobile phone for which she could not contact with her parents. Even her in-laws used to question her about intimate relation with the OP and stated her how she spent her days with him. She was not provided proper food in the house and almost kept in starvation. Even she was not allowed to visit her parental

house. She further stated that she was told that she would be allowed to visit her parental house if her parent's and guardian attend the meeting to which she agree and the OP and his family members allowed her to go to her parental house in the month of May, 2019 and that time being asked by her, the OP and his family members handed her back her mobile phone. She further stated that the OP and his family members even then did not stop torturing her mentally and called her over phone and asking her as to why no such meeting was called for. Her mother already undergone 2 strokes and was not in a position to bear such things. The brother of the OP threatened her over telephone and told her that he would teach her nice lesson. She further stated that her niece who studied in a school was tried to be abducted from the school by the sister and sister-in-law of the OP and even threatened her niece with dire consequences if she discloses it to anyone. A GD entry of the same was made before Police. She further stated that she was staying at her parental house since 29.05.2019 but the OP did not provide anything for maintenance. She further submitted that she maintain herself by selling milk of two cows which they have. The OP has a shop of cloth and at the time of marriage, it was told that his monthly income was Rs.10,000-12,000/-. She further stated that she does not have any other source of income and the OP inspite of having income does not provide any maintenance to her. So, she filed the claim petition claiming maintenance at the rate of Rs.5,000/- per month.

During cross-examination, she stated that the OP is physically handicapped and he has less hearing capability and unable to speak properly and he has difficulty in walking and is unable to do any hard labour. She could not say as to whether the OP is 82% physically disability or not. She further stated that she had no knowledge about any certificate and also could not say whether any case for restitution of conjugal rights bearing TS(RCR) No.8/2020 was filed or not. She further stated that they used to reside in the joint mess in the matrimonial home along with brother and sister-in-law of the OP. She further stated she did not file any complain before any such authority regarding alleged physical and mental torture upon her by the OP and his family members. Nothing more came out relevant.

10. PW-2 Shri Matilal Das deposed that the petitioner is his neighbour. Her marriage was solemnized with the son of Samir Das as per the Hindu Rites and Customs. After the marriage, the petitioner went to her matrimonial her at Battala, Ghash Bazar and started residing with OP as husband and wife. Presently, the petitioner is staying at her parental house. After one month of marriage, Kalpana came to her house and informed that she could not reside at her matrimonial home and being asked she informed that her husband and in-laws tortured her and even she was not allowed to have day's meal properly. Even tiffin was provided by measuring it. The petitioner is residing separately for last 2 years but the OP does

not take any information nor provided any maintenance to the petitioner and the petitioner and her mother was surviving by selling milk of two cows which they own. He further stated that the brother of the petitioner maintained separate mess and they maintain themselves only. Further stated that the father of the OP informed that the OP is not literate enough as such he works in a cloth shop and at the time of marriage, it was said that his monthly income is Rs.10,000-12,000/- but actually it is Rs.1,500/- per month.

During cross-examination, he stated that after one month of marriage, the petitioner is residing at her parental house till date and after marriage they came to know that the OP is a worker in a cloth shop and gets Rs.1,500 per month as salary.

11. The OP as OPW-1 deposed on oath that the petitioner is his wife. The petitioner is not residing with him for last 1½ to 2 years. He filed an RCR case for restitution of conjugal rights and he submitted the copy of judgment passed in TS(RCR)8/2020 and identified the certified copy of judgment and final order which was marked as Exhibit-A in 5 sheets. He also submitted disability certificate and identified the same which was marked as Exhibit-B.

During cross-examination, he stated that he can understand and hear whatever questions put to him and further volunteered that he can hear if spoken loudly. Further stated that he had sent the copy of judgment after 1 year as he

received it on that date to the petitioner. He has not submitted any document to show that he is unemployed and further stated that the house in which he resides is a two-storied building. He further submitted a document which shows that he used to work as an employee but got only Rs.2,000/- and not Rs.5,000/- per month. Further stated that he married to the petitioner on 19.04.2019 and the disability certified was issued on 08.04.2021 and he has not submitted any other document except disability certificate. These are the synopsis of the evidence on record of the parties in respect of determination of the case before the Learned Family Judge.

12. Admittedly, in this case, there is no dispute on record regarding marriage of the petitioner wife with OP on 19.04.2019 as per Hindu Marriage Rites and Customs. It is also on record that the petitioner is presently staying with her mother at her parental house. Admittedly, in this case, the petitioner-wife could not adduce any documentary evidence on record showing the actual monthly income of the OP husband. The OP husband took the plea that he is totally disabled, as such, he is not in a position to pay any maintenance to his wife and in this regard, he relied upon Exhibit-B i.e. the disability certificate from which it appears he has got 59% disability in respect of hearing impairment, intellectual disability is 75% and locomotor disability is 60%

as opined by the District Disability Board by the certificate dated 08.04.2021.

13. In a case under Section 125 of Cr.P.C., it is the duty of the Court to see as to whether the husband having sufficient means neglects or refuses to maintain his wife or not in considering maintenance allowance in favour of the wife. Here, in the case as already stated, no documentary evidence was produced and proved by the petitioner showing the monthly income of the husband. The petitioner in her application and at the time of evidence before the Court submitted that the OP has a shop of cloth and at the time of marriage it was told that his monthly income was about Rs.10,000-12,000/-. Similarly, PW-2 also supported the version of the petitioner although, PW-2 also stated his actual income is around Rs.1,500/- per month. The OP save and except production of document like disability certificate and the certified copy of judgment passed in connection with TS(RCR)8/2020 did not submit anything objecting the claim of the petitioner. It is surprising that if the OP husband was actually suffering from disability then why he entered into the marriage tie with the petitioner of the case.

14. More so, he married the petitioner in the year 2019 and the disability certificate was issued in the year 2021 i.e. after 2 years of marriage. It is also on record due to family discord the petitioner had to leave her matrimonial home. The OP by the trend of cross-examination of the petitioner and her witness could not discard the evidence regarding cruelty upon her by

the OP and his family members. There is also no evidence on record that the OP tried to mitigate her dispute with the petitioner or even he paid any maintenance towards the livelihood of the petitioner of this proceeding. Although he relied upon the judgment of the Family Court in connection with TS(RCR)8/2020 which was passed ex parte.

15. The petitioner stated that she had no idea about filing of RCR case by the OP husband and the OP in course of his examination before the Court stated that he had sent the copy of judgment after 1 year to the petitioner. The decree of RCR favoured in favour of the OP husband would not give any extra privilege to the OP husband to refuse maintenance to the petitioner wife. Learned Court below on the ground of disability rejected the claim of the petitioner wife. Learned Court below also took the plea that the petitioner is surviving by selling milk. This observation of the Learned Court below was made without any legal reasoning because it is on record that since from the year 2019, the petitioner is staying at her parent's house. It is on record that the OP by this time did not pay any maintenance to his wife. There is also no evidence on record that the brother or the parents of the petitioner have/had sufficient means to maintain the petitioner during her hardships. So, in absence of any monetary support, how the petitioner would survive? Naturally for survival, she had to do something. There is evidence on record that by selling milk of cows belonging to them. Here, the interpretation of 'them' would mean either the

parents or the brother of the petitioner. So, it is quite natural that by selling milk of cows she is somehow maintaining herself and her mother. But this ground of the Learned Court is not a justified ground in the eye of law to reject her maintenance petition.

16. In **Babita v. Munna Lal** reported in **(2022) SCC OnLine Del 4933**, wherein Hon'ble Delhi High Court observed as under:

"55. There is nothing in law to debar grant of maintenance under Section 125 Cr. P.C. in case a decree of restitution of conjugal rights is possessed by the husband.

56. There is no express bar to grant maintenance to a wife, against whom a decree for restitution of conjugal rights under Section 9 of the Hindu Marriage Act has been passed. There is, therefore, no bar to entertain application for grant of maintenance.

57. Thus, this Court holds that the view held by the learned Trial Court that an order of a Civil Court granting ex-parte decree of restitution would automatically put an end to her right to grant on maintenance under section 125 Cr. P.C. is incorrect. In case it was contested by both the parties and then would have been decided in favour of the husband and being in default in not returning, in these circumstances it could become a ground to deny maintenance to her. An ex-parte decree for restitution of conjugal rights is not an absolute bar for consideration of application under section 125 Cr. P.C. In case the court is satisfied on the basis of evidence before it that the wife had justifiable grounds to stay away from the husband, maintenance can be granted. In the case at hand, the learned judge clearly mentioned in the order that the wife had led evidence to prove that she had every reason to stay away from the husband as there was risk to her life at the hands of the husband. The learned Judge should have in that case decided the case based on the said evidence, which unfortunately, he did not even assess or appreciate. If the evidence on record shows that due to husband's conduct the wife has not been able to live with him and he has denied to maintain her and the minor children, maintenance cannot be refused to her.

58. A decree of a Civil Suit can be held to be binding qua leaving company of husband without reasonable cause, only if proceedings before the Civil Court 9 of HMA dealing with case under Section specific issue has been framed in this regard and the parties have been given opportunities to lead evidence and specific findings are recorded by Civil Court on contested merit. However, in cases where the husband has obtained an ex-parte decree of conjugal rights from a

Civil Court, it cannot be held to be binding on the court exercising jurisdiction under Section 125 Cr. P.C.

59. The mere presence of a decree of restitution of conjugal rights against the wife does not disentitle her to claim maintenance if the conduct of the husband is such as to ensure that she is unable to obey such a decree or it was the husband who had created such circumstances that she could not stay with him.

60. Another aspect of this case is that if one will examine the noncompliance of decree of restitution of conjugal rights, it may result into a divorce. It is settled law that even a divorced wife is entitled to claim maintenance. In these circumstances, it is improper and unfair to deny maintenance to the wife. However, she has to independently establish her claim under Section 125 Cr. P.C. of the Code and fulfill all the conditions laid therein.

61. The repercussions of ex-parte decree if not challenged would follow qua her, under HMA, but her non-appearance in those proceedings cannot take away her right to maintenance, if she is able to make out a case on merit on its own strength. It was improper not to pass a judgment on the strength of evidence of petition under Section 125 Cr. P.C.

62. While appreciating cases under Section 125 Cr. P.C., the Trial Court has to be sensitive and cautious that each case has to be decided on its own peculiar facts and circumstances as edifice of every such case is different.

63. In these circumstances, it is apparent that the learned Trial Court has committed an error in holding that the wife was not entitled to maintenance as an ex-parte decree for restitution of conjugal rights was passed in favour of the husband, without appreciating the evidence before it regarding the conduct of the Respondent and the willingness of the Petitioner to stay with him as well as ill-treatment and atrocities committed by the Respondent/husband. The same were disregarded in totality by the learned Trial Court.

65. Therefore, this court would by way of reiteration hold that mere existence or non-compliance of a decree of restitution of the conjugal rights by itself would not debar or disentitle the wife within the meaning of Section 125 of Cr. P.C. from getting an order of maintenance."

Thus, it is clear and settled that a decree of the exparte R.C.R. would not be a bar for granting/allowing maintenance.

17. Now, we are to see whether the OP has means to provide maintenance to the petitioner. There is no evidence on record regarding the exact income of the petitioner. But there is evidence on record that the OP husband has got homestead and he is residing in a two-storied building. It is also on record that

he used to work as an employee in a shop although the OP husband stated that he is getting Rs.2,000/- per month. But he could not explain for how many days he is working to that shop and what is his daily wages.

18. The petitioner and her witness stated that at the time of marriage, it was disclosed by the OP husband that his income was around Rs.10,000-12,000/- per month but in this regard no documentary evidence is proved by the petitioner. It may so happen that for the purpose of marriage knowing fully that he was disabled, the said fact of earning money was disclosed to them which in my considered view is nothing but a suppression of facts to defraud the petitioner. Alternatively, it can be presumed that knowing fully that the O.P. was capable to maintain his wife in spite of disability, the O.P. married the petitioner.

19. In **Rafeeq v. Summayya** reported in **(2015) SCC OnLine Ker 39606**, the Hon'ble Kerala High Court in para 5 of the judgment observed as under:

"5. Going by the impugned order, it is seen that, in the year 1992, while he was studying in 9th standard, he had suffered a physical ailment and subjected to a surgery. He was treated in a hospital and the doctors diagnosed that he is suffering from residual quadriplegia paralysis and thereafter the petitioner is suffering from 60% permanent disability. The factum of disability is not disputed and the same is evident by the disability certificate produced by the petitioner. Indisputably, at the time of marriage, the petitioner was having the disability. The petitioner has no case that after the marriage, the percentage of disability has increased and no document had been produced to that effect. Therefore, it could be reasonably presumed that, at the time of marriage itself, he was having 60% disability; Needless to say, knowing his disability, he married the 1st respondent and subsequently, they were blessed with a son, the 2nd respondent. Since the disability was subsisting at the time of marriage, he was fully confident that he can maintain a family and thereafter,

no change of circumstances. Though the certificate has been produced to show that he is having 60% disability, no document has been produced to show that he has fully lost his earning capacity, or he is totally incapable to do any kind of work so as to earn livelihood for his family. It is a matter of common knowledge that physically challenged persons also can do some kind of work or do certain business so as to earn livelihood for his family and they can choose the nature of business and work or employment in accordance with their nature of disability and handicap. So physically challenged husband cannot be exempted from his statutory liability to maintain his wife and children under S. 125 of the Cr.P.C., unless; it is found that subsequent to the marriage, he became totally incapable to do any kind of work or business to earn livelihood for his wife and children. No lenient view can be taken to him, particularly, when the disability or handicap was subsisting at the time of marriage and birth of the child. On the other hand, if the percentage of physical disability or handicap occurs or increases after the marriage, the percentage of the loss of earning capacity can be proportionally considered for fixing the quantum of maintenance allowance. In this case, it is pertinent to note that the specific case put forward by the first respondent is that the revision petitioner is doing business in fancy articles and he is a member of the Kerala Pigeon Society. It could be reasonably presumed that he is earning from pigeon business also. Exts. A1 and A2 go a long way to this extent. Therefore, I do not find any perversity in the appreciation of evidence from which the court below arrived at a finding that the respondents are entitled to get maintenance allowance."

Here, in the case at hand, it is the admitted position that OP husband is suffering from disability but that disability does not mean that he is totally incapable of doing any job rather he himself admitted that he used to attend a shop as an employee or worker. Considering the prevalent situation in the market if a person either as a worker or as an employee attends any shop or establishment in that case in my considered view, he will be earning not less than Rs.5,000/- to 6,000/- per month. So, the statement of OP that he was earning Rs.2,000/- cannot be believed and the witness of the petitioner although in his examination-in-chief stated that he is earning Rs.1,500 per month that was without any basis or

calculation. Since the OP husband has got his own homestead building and he is attending in a shop to discharge his functions as a worker or as an employee inspite of his disability, so, in my considered view, Learned Court below without application of proper mind has rejected the claim of the petitioner wife.

More so, earning some money by selling cow milk was not a ground to reject the claim petition of the petitioner wife by the Learned Court below. Furthermore, since the OP husband knowing fully that he was suffering from disability married the petitioner, so, in my considered view and in view of the principle of aforesaid citation, the OP husband shall be under legal obligation to provide maintenance to the present petitioner of the proceeding.

20. Since there was no any specific evidence on record in respect of the income of the OP husband, so, it would be prudent if the monthly maintenance allowance at the rate of Rs.1,500 per month is awarded in favour of the petitioner from the month of July,2020 onwards in view of the judgment passed by Supreme Court of India in **Rajesh v. Neha and another** reported in **(2021) 2 SCC 324**.

21. In the result, the revision petition filed by the petitioner is hereby allowed. The order dated 05.11.2022 passed by Learned Family Judge, Agartala in Civil Misc. No. 181 of 2000 is hereby set aside. The petitioner Smti Kalpana Das is entitled to get maintenance allowance at the rate of Rs.1,500/- per month from the month of July,2020 onwards. The OP be asked to pay

the maintenance allowance as ordered to the petitioner to her address by sending money order or by any other mode convenient to the petitioner. The OP shall pay maintenance allowance to the petitioner from the month of March onwards within 10 days from the first day of month i.e. the maintenance allowance of February, 2024 will be given by the OP to the petitioner within 10th March, 2024 and thereafter accordingly within first 10 days of the next month to which the maintenance allowance shall become due to the petitioner and the arrear maintenance allowance from the month of July, 2020 (although petition was filed on 30.06.2020) to January, 2024 i.e. for 43 months at the rate of Rs.1500/- per month which comes to Rs.64,500/- be given by the OP husband to the petitioner within a period of 36 months in equal installments in addition to his normal maintenance allowance from the date of passing of this order.

A copy of this order/judgment be supplied free of cost to the Learned Counsel for the parties for information and necessary action. Send down the LCR alongwith a copy of this judgment. This revision petition is thus disposed of on contest. Pending application(s), if any, also stands disposed of.

JUDGE

**MOUMITA
DATTA**

Deepshikha

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