

**HIGH COURT OF TRIPURA
AGARTALA**

Crl.Rev.P 23 of 2024

1. **Smt. Sudipta Roy Choudhury**
Daughter of Late Subrata Roy Choudhury.
2. **Master Bisweswar Das, (DOB) -11.05.2007)**
(Minor Son represented by his mother, i.e. the petitioner No.1 herein)
Both of them are residing at Village & PO Ganki,
PS: Khowai, District: Khowai, Tripura.

---Petitioner(s)

Versus

Sri Benu Das,
Son of Late Haricharan Das,
Resident of Vill: Charganki, PO: Khowai Court, Khowai, Tripura, PIN: 799202

---Respondent(s)

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|--|---|---------------------------------|
| For Petitioner(s) | : | Mr. S. Bhattacharjee, Advocate. |
| For Respondent(s) | : | Mr. Victor Ghosh, Advocate. |
| Date of hearing and date of judgment and order | : | 28.06.2024 |
| Whether fit for reporting | : | No |

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Judgment & Order (Oral)

Heard learned counsel for the parties.

[2] This is a revision petition under Section 19(4) of the Family Courts Act, 1984, read with Section 397 & 401 of Cr.PC. against the Judgment and Order, dated 06.01.2024 passed by the Ld. Judge, Family Court, Khowai, Tripura in case no.Crl.Misc 18 of 2022.

[3] The case of the petitioner, in brief, is that earlier she had filed a maintenance case against the respondent, which was registered as Misc. 230 of 2015 and the Ld. Judge of the Family Court, Agartala, West Tripura, on 19.05.2017, passed an order directing the respondent to pay a total amount of Rs.4,200/- per month for her and their minor son. She stated that after the said order of the Ld. Trial Court, she preferred a Revision petition before the Hon'ble High Court of Tripura, in Case No.Crl.Rev.P. 56 of 2017, wherein the Hon'ble High Court was pleased to increase the above amount to Rs.6,500/- per month. Since then, the

petitioner stated that she has been receiving the said amount regularly, but presently, the situation of their daily life has completely changed. The petitioner No.1 contended that her son is still a minor pursuing his academics in an English medium school, whereas she has no income of her own. It is further contended by the petitioner that her father is no more alive and her paternal family is going through tremendous financial crisis. According to the petitioner, the cost of their basic requirements of daily life has risen up, for which, she is unable to maintain their basic standard of living along with her minor son, only with the amount of Rs.6,500/-, which was passed more than 04 years ago. She submitted that the respondent is getting a salary of about Rs.56,202/- as PGT in a Govt. School and also performs private tuition, earning not less than Rs.65,000/- per month. As stated by the petitioner, the prices of the essential commodities has now risen out of their reach.

[4] It is evident from the record the petitioners herein earlier moved to the Ld. Court of the Judge, Family Court, Khowai Tripura for enhancing the monthly maintenance for herself and her minor son. The Ld. Court below after hearing the parties and on perusal of the material evidence on record has observed as under:

“In the result, I am satisfied that the 1st party has proved her Case much to the extent required by law. The relief awarded to the 1st party & her minor son and directions to the 2nd party are as follows:

- a) The 2nd party shall henceforth provide the 1st party an amount of Rs.7,000/- (Rupees Seven Thousand Only) & their minor son an amount of Rs.6,000/- (Rupees Six Thousand Only), i.e. a total amount of Rs.13,000/- (Rupees Thirteen Thousand Only) every month starting from the month of January 2024 to be paid by the 7th day of February 2024 and every consecutive months there-after, until further order.
- b) The 2nd party is directed to send the above total amount to the 1st party every month, in the manner and mode, which he has been paying the monthly maintenance so far.
- c) The above amount of Rs.13,000/- is fixed considering the basic requirements of the 1st party and her minor son, as compared to the present status and earnings of the 2nd party.”

[5] Being aggrieved by and dissatisfied with the impugned judgment dated 06.01.2024 passed in case no. Crl.Misc 18 of 2022, the present criminal revision petition has been preferred by the petitioners seeking the following relief(s):

- (i) *Admit this revision petition, filed u/s 19(4) of the Family Court Acts, read with Section 397 & 401 of Cr.PC against the impugned judgment dated 06.01.2024 passed in Crl.Misc 18/2022.*
- (ii) *Call for the records of Crl. Misc. 18/2022 & Misc, 230/2015 from the Ld. Family Court, West Tripura, Agartala.*
- (iii) *Issue notice upon the respondent and*
- (iv) *Hear the instant petition and after hearing both the parties the Hon'ble Court may be pleased enough to modify the impugned judgment, dated 06.01.2024 passed in Crl.Mis18/2022, by enhancing the monthly maintenance from Rs.13000/- per month to at least Rs.30,000/- per month w.e.f. 23.08.2022, i.e., the date of application praying for enhancement of the maintenance, with a further direction to satisfy the Order of this Hon'ble High Court, passed in the instant petition, by the respondent.*
- (v) *The Hon'ble Court may also be pleased enough to further direct the DDO of the respondent to deduct the amount of maintenance per month from the salary of the respondent and thereafter to transmit the same to the Bank Account of the petitioner No.1.*

[6] After perusing the record and having considered the submission as advanced by the learned counsel for the parties, this court is of the opinion that the enhancement of the monthly maintenance to cope with the prevailing expenses of the petitioners may be increased. Since the petitioners herein have already been receiving the monthly maintenance of Rs.13,000/- from the respondent in pursuant to the impugned order dated 06.01.2024, this court is enhancing the amount of Rs.7000/- (Rupees seven thousand) to Rs.10,000/- (Rupees ten thousand) in favour of the petitioner-mother. This court has pondered over the issue with regard to the educational expenses of the son (the petitioner no.2 herein) and after due consideration this court directs the respondent-husband to bear the educational expenses of his son in addition to Rs.6000/- as monthly maintenance. The arrears that will be so accrued of the increased amount shall be deposited by the respondent-husband in six equal installments to the petitioners from the date of institution of the case before the Ld. Court below (i.e. 23.08.2022) in the manner and mode as ordered by the Ld. Court below.

[7] With the above observation and direction, this present criminal revision petition stands partly allowed and thus disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE



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