

**HIGH COURT OF TRIPURA
AGARTALA**

Crl.Rev.P.No.66 of 2025

Khurshedur Rahaman,

S/o- Lt. Abdul Barek,

Of village- Madhya Boxanagar, P.S.- Kalamchora,

District- Sepahijala Tripura

....Petitioner(s).

Versus

1. Tania Aktar

W/o- Khurshedur Rahaman

2. Akhinur Jannat (Minor)

D/o- Khurshedur Rahaman

(The Respondent No.2 being minor is represented through her mother-Respondent No.1 herein)

Both are Resident of- Rahimpur, P.S.- Kalamcherrah,

District-Sepahijala Tripura

.....Respondent(s).

For Petitioner(s)	:	Mr. Samarjit Bhattacharjee, Adv.
For Respondent(s)	:	Ms. Sutapa Deb Barman, Adv.
Date of Hearing	:	31.03.2026
Date of delivery of Judgment and Order	:	06.04.2026
Whether fit for Reporting	:	YES/NO

HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order

This revision petition is filed challenging the judgment and order dated 23.09.2025 delivered by Learned Judge, Family Court, Sepahijala District, Sonamura in connection with case No.Criminal Misc. 01 of 2024.

02. Heard Learned Counsel for the petitioner, Mr. S. Bhattacharjee and also heard Learned Counsel for the respondent, Ms. S. Deb Barman.

03. Taking part in the hearing, Learned Counsel drawn the attention of the Court that the respondent O.P. No.1 filed one maintenance case against the present petitioner-husband and after hearing Learned Court below allowed order of maintenance in favour of the respondents and directed the DDO of the O.P. to remit the money to the respondent-petitioners at the rate of 50% (25%+25%) of the net salary of the O.P. It was further submitted that the way the Learned Trial Court passed the order was not in-accordance-with law which was inviolation of the order of the Hon'ble Supreme Court in series of cases. It was further submitted referring the pay slip of the present petitioner-husband that he is drawing Rs.34,692/- at present and apart from that he has taken loan for which he is to pay EMIs and after deduction of those amounts a very poor amount remains under him and if the order is not modified then the present petitioner-husband shall be highly prejudiced and would lead to starvation. He also referred few citations of this High Court wherein the practice of directing the DDO to deduct the monthly salary was deprecated and urged for modification of this order.

04. On the other hand, Learned Counsel for the respondent-petitioners drawn the attention of the Court that as per order dated 13.11.2025 the husband-petitioner is to pay Rs.40,000/- but out of that only Rs.20,000/ is paid. So, the conduct of the respondent-husband was not at all satisfactory and furthermore, Learned Trial Court after considering the evidence on record has delivered the judgment in favour of the respondent-petitioners and there is no scope to interfere with the judgment delivered by Learned Trial Court and prayed for dismissal of this revision petition.

05. I have heard both the sides at length and perused the judgment of the Learned Trial Court. In para No.31 of the judgment Learned Trial Court mentioned that the O.P. himself admitted that after statutory deduction, he gets Rs.28,790/- and from that amount he is to pay bank loan of Rs.18,000/-, thus, Rs.10,790/- remains under him and from that amount he is paying Rs.3,000/-. In determining the petition, Learned Trial Court formulated few points because in this case the petitioner-husband did not dispute his marriage with the respondent-petitioner No.1 and also the paternity of the respondent-petitioner No.2. Learned Trial Court elaborately discussed everything but in para No.90 he passed an order for 50% deduction from the net salary of the petitioner-husband which in my considered view was not proper and in deciding the matter Learned Trial Court relied upon the judgment of **Kalyan Dey Chowdhury v. Rita Dey Chowdhury Nee**

Nandy (2017) 14 SCC 200 and **Dr. Kulbhusan v. Raj Kumari & Anr. (1970) 3 SCC 129** of the Hon'ble Supreme Court of India. In all the judgments, it was suggested that 25% deduction would be appropriate towards maintenance. But in **Rajnish v. Neha & Anr. (2021) 2 SCC 324** there is no such direction of the Hon'ble Supreme Court regarding percentage of amount to be deducted from the salary of the petitioner-husband. It is also the admitted position that the present petitioner is presently drawing a net salary of Rs.34,692/- as per salary slip for the month of June, 2025 and from that amount he is also incurring the expenditures of EMI. It is also the settled position that taking the plea of payment of EMI, the petitioner-husband cannot take the plea to evade payment of maintenance allowance to his wife and daughter and as such in the considered opinion of this Court, the petitioner-husband is under legal obligation to pay maintenance to the respondent-petitioners. However, considering the facts and circumstance of the case, it appears to this Court that if the petitioner is asked to pay maintenance to his wife at the rate of Rs.7,000/- per month and Rs.5,000/- per month to the minor daughter till attaining her majority i.e. in total 12,000/- per month then the purpose of justice would suffice which shall be payable from the date of filing of the application by the respondent-petitioners i.e. w.e.f. 03.01.2024.

06. In the result the revision petition filed by the petitioner-husband is hereby allowed. The order of the Learned

Trial Court is modified to the extent that the petitioner-husband shall pay maintenance from the month of January 2024 onwards at the rate of Rs.7,000/- per month to the respondent-petitioner No.1 and Rs.5,000/- per month to the respondent-petitioner No.2 till she attains her majority or gets married. The amount, if paid, towards maintenance by this time shall be adjusted towards the maintenance allowance passed by this Court including the arrears, if any, if remain unpaid shall be paid by the petitioner-husband in favour of the respondent-petitioners in equal installments. However, the other observations of the Learned Trial Court is not interfered with.

Supply a copy of this order to Learned Counsel of both the sides free of cost. Also send down the record to the Learned Trial Court along with a copy of this judgment/order.

With this observation, this present revision petition stands disposed of on contest.

Pending application(s), if any, also stands disposed of.

JUDGE

Purnita