

**HIGH COURT OF TRIPURA
AGARTALA**

Cri.P.No.65 of 2025

1. Sri Sudip Chandra Nath

Son of Late Dharendra Chandra Nath
Resident of C/O Sri Pranab Saha, Radhanagar,
Near galaxy Guest House, Agartala-799001,
P.S. West Agartala,
Dist. West Tripura.

---- Petitioner(s)

Versus

1. Miss Arghyashri Nath

Daughter of Sudip Chandra Nath
Residing at Badharghat,
Near Little Millenium School,
P.S.- A.D. Nagar, Pin- 799003
Dist.- West Tripura

**[Being minor Petitioner No.1 is represented by her
mother i.e. the Petitioner No.2 hreein]**

2. Smt. Sima Debnath

W/O Sri Sudip Chandra Nath
D/O Sri Jagadish Chandra Debnath
Residing at Badharghat,
Near Little Millenium School,
P.S.-A.D. Nagar, Dist.-West Tripura,
Pin- 799003

3. The State of Tripura

----Respondent(s)

For Petitioner(s) : Mr. Dilip Chandra Nath, Adv.

For Respondent(s) : Mr. Raju Datta, P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

16.03.2026

Heard Learned Counsel, Mr. Dilip Ch. Nath appearing
on behalf of the petitioner.

None appeared on behalf of respondent Nos.1 & 2.

Learned P.P. appeared on behalf of respondent No.3 i.e. the State.

This petition under Section 19(4) of the Family Courts Act is filed challenging the order dated 22.09.2025 passed by the Learned Family Judge, Court No.1, West Tripura, Agartala in connection with Crl.Misc.(Int) 629 of 2024.

At the time of hearing, Learned Counsel for the petitioner submitted that the respondent No.2, Smt. Sima Debnath on behalf of Miss Arghyashri Nath, i.e. the respondent No.1 filed one petition for maintenance before the Learned Judge, Family Court, claiming maintenance for the minor daughter, amounting to Rs.30,000/- per month. It was also the plea of the respondent No.2 that she has got reasonable capacity/monthly income to maintain herself. So, the respondent No.2 sought maintenance for the minor daughter from the present petitioner herein. Before the Learned Trial Court both the parties submitted the statement of assets and liabilities. From the ITR 1 filed by the petitioner herein before the Learned Trial Court, it was found that the total income of the petitioner-husband herein was shown for the year 2024-2025 as Rs.1,94,800/-. Thus, the monthly income of the petitioner-husband was *prima facie* assessed to Rs.16,233/-. The respondent No.2 is a school teacher and her gross salary was Rs.44,062/- and net salary was found to be Rs.34,554/-. It was also asserted by the respondent No.2 that she used to pay rent for the accommodation and also maintain the minor daughter who is a student of class-II. Learned Judge, Family Court came to the observation that the minor daughter has estimated monthly

expenditure of Rs.20,000/- and as the respondent No.2 being the mother was earning more than her husband, so, the Learned Trial Court fastened the burden of responsibility in 60% and 40% ratio and directed the petitioner-husband to pay interim maintenance per month at the rate of Rs.8,000/- to the minor daughter from the date of filing of the case i.e. from 28.11.2024, in view of the celebrated judgment of Hon'ble Supreme Court of India in Rajnesh vs. Neha and also made certain other directions to pay the arrear in nineteen installments. Learned Counsel for the petitioner further submitted that the petitioner-husband is a reporter of a newspaper and from the meagre income earning by himself he is not in a position to maintain himself also and situated thus, if he is to pay Rs.8,000/- per month in that case he shall have to face starvation and the Learned Judge, Family Court in absence of evidence on record and without considering the facts and circumstances of the case ordered him to pay maintenance at the rate of Rs.8,000/- per month.

As already stated notice was served upon the respondent Nos.1 & 2 but inspite of serving of notice the said respondents did not appear before this Court to contest the petition. Even on 13.03.2026 also they did not prefer to appear before this Court. From the order of the Learned Trial Judge, it appears that relying upon the judgment of Rajnesh Vs. Neha the Learned Trial Court without considering all the aspects fastened 50% of the total income of the petitioner-husband from his monthly income. The respondent No.2, being the mother of respondent No.1 is a Government servant, whose earning is much

more than that of the petitioner-husband. So, after going through the order of the Learned Judge, Family Court it appears that without any cogent reasons, the amount has been determined by the Learned Family Judge which needs to be interfered with. But at the same time, the petitioner-husband also cannot evade the responsibility of paying maintenance to his daughter who is a student of class-II. However, considering the facts and circumstance of the case, it appears that at this stage till disposal of the main petition, if the amount of maintenance is reduced to Rs.4,000/- from Rs.8,000/- then the same would be appropriate for the petitioner-husband considering his monthly income.

In the result, the petition filed by the petitioner is hereby allowed. The order dated 22.09.2025 passed by Learned Judge, Family Court, West Tripura, Agartala in connection with Crl.Misc.(Int) 629 of 2024 is partly modified to the extent that the petitioner-husband shall pay interim maintenance at the rate of Rs.4,000/- per month in place of Rs.8,000/- to the respondent No.1 w.e.f. 28.11.2024 which shall be deposited to the respective bank account of the respondent No.2 by the petitioner-husband within 10 days of the succeeding calendar month and this order shall remain in force till disposal of the original maintenance petition bearing No.Crl.Misc.(Int) 629 of 2024. The arrear maintenance, if any, during the period shall be paid by the petitioner-husband to the respective bank account of the respondent No.2 in 10 equal installments.

Send down the record to the Learned Trial Court along with a copy of this order.

Supply a copy of this order to the Learned Counsel for the petitioner for information and compliance.

With this observation this revision petition stands disposed of.

JUDGE



Purnita