2026:THC:1504

HIGH COURT OF TRIPURA
AGARTALA

Crl.Rev.P.No.52 of 2026

……Revision-Petitioner(s)

Versus

……Respondent(s)

Along with
Crl.Rev.P.No.55 of 2026

…….Petitioners.

Versus

02. The State of Tripura

.....Respondents

Crl.Rev.P.No.52 of 2026:

For Petitioner(s) : Ms. Megha Sarkar, Adv.

For Respondent(s) : Mr. Bibek Banerjee, Adv.

Crl.Rev.P.No.55 of 2026:

For Petitioner(s) : Mr. Bibek Banerjee, Adv.

For Respondent(s) : Mr. Raju Datta, P.P.,
Mr. Soumyadeep Saha, Addl. P.P.,
Ms. Megha Sarkar, Adv.

Date of Hearing : 16.10.2026

Date of delivery of
Judgment and Order: 13.11.2026

Whether fit for
Reporting : NO

HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order

Both the criminal revision petitions are taken up together for hearing and disposal by this common order as because both the petitions have arisen out of the same order dated 06.05.2026 passed by Learned Judge, Family Court, Udaipur, Gomati Tripura in connection with Crl.Misc. No.16 of

2025. In Crl.Rev.P.No.52 of 2026 the petitioner-husband has challenged the said order on the ground that no reasonable opportunity was afforded to him by the Learned Trial Court and the Learned Trial court without considering the factual aspects enhanced the rate of maintenance allowance from Rs.25,000/- to 30,000/-. Similarly, in Crl.Rev.P. No.55 of 2026 the petitioners have challenged the said order on the ground that considering the educational and other expenses of the children of the petitioner-wife the income determined by the Learned Trial Court was not sufficient to meet up their requirements, so, by the said revision petition the petitioners have prayed for enhancement of the amount of Rs.25,000/- to 35,000/- in place of Rs.30,000/-.

02. Heard Learned Counsel, Ms. M. Sarkar appearing on behalf of the petitioner-husband in Crl.Rev.P. No.52 of 2026 and also heard Learned Counsel, Mr. B. Banerjee appearing on behalf of the petitioners in connection with case No.Crl.Rev.P.No.55 of 2026.

03. At the time of hearing, Learned Counsel, Ms. M. Sarkar appearing on behalf of the petitioner-husband drawn the attention of the Court that before the Learned Trial Court the petitioner-husband could not get proper opportunity to adduce oral/documentary evidence on record in support of his contention. Furthermore, he is the sole bread earner of his family and from his meagre income he is to take care of his

ailing parents and as such the Learned Trial Court without considering the factual aspects of the petitioner-husband raised the amount of maintenance from Rs.25,000/- to 30,000/- and directed the authority to deduct the said amount from his salary and to remit the same to the respective bank account of the respondent-wife.

04. On the other hand, Learned Counsel, Mr. Bibek Banerjee appearing on behalf of the petitioners submitted that before the Learned Trial Court inspite of providing so many opportunities the husband failed to submit his monthly salary statement in addition to that he is presently earning more than Rs.1,00,000/- and in view of the judgment of the Hon'ble Supreme Court in **Rajnesh Vs. Neha** the Learned Trial Court has rightly enhanced the amount of monthly maintenance allowance to Rs.30,000/- from his Rs.25,000/- which was also less and furthermore, at the time of passing of the order, Learned Trial Court ought to have consider the enhanced maintenance allowance from the date of filing of the petition not from the date of the order which is in violation of the judgment passed by the Hon'ble Supreme Court of India

It was further submitted that the respondent-husband in the main petition did not dispute his marriage with his wife and also did not dispute the paternity of the children and inspite of providing several opportunities he failed to appear

before the Learned Trial Court to counter the petition filed by the wife regarding enhancement of monthly maintenance allowance. So, Learned Trial Court considering the facts and circumstances of the case rightly determined the amount of maintenance to Rs.30,000/- in place of Rs.35,000/- and in summing up Learned Counsel urged for enhancement of allowance to Rs.35,000/- from Rs.25,000/- and also to direct the husband-petitioner-respondent to pay the said amount from the date of filing of the petition, i.e. with w.e.f. 25.02.2025 not from the date of order i.e. w.e.f. 06.05.2026. It was also submitted that earlier some criminal cases were filed by the respondent-wife against her husband but the same was compromised on the ground that no further cruelty would be caused upon the respondent-wife but the husband-petitioner inspite of assurance continued cruelty upon the respondent-wife for which she was compelled to file domestic violence case and before the Trial Court protection order was granted in her favour by Learned CJM.

It was further submitted that in the original maintenance case bearing No.Crl.Misc.51 of 2020 the Learned Judge, Family Court passed order of maintenance at the rate of Rs.25,000/- w.e.f. the date of filing the petition i.e. from 24.09.2020 and the same amount has been regularly paid by the husband but if at this stage the enhanced maintenance allowance is not allowed from the date of filing the petition i.e.

w.e.f. 25.02.2025 in that case the petitioners would be prejudiced and further prayed for enhancement of amount of maintenance to Rs.35,000/- from Rs.25,000/- in view of the changed circumstances i.e. the educational and other expenses of the children who are growing up by this time.

05. Heard both the sides at length and perused the order dated 06.05.2026 passed by Learned Judge, Family Court, Udaipur. From the order dated 06.05.2026 it appears that the petitioner-husband inspite of allowing several opportunities failed to adduce any oral/documentary evidence to substantiate his defence. So, considering the facts and circumstances of the case, Learned Trial Court by the said order enhanced the amount of Rs.30,000/- per month from Rs.25,000/- on and from 06.05.2026. From the order dated 06.05.2026, further, it appears that the Learned Trial Court at the time of passing of the order has considered the educational and other expenses of children and enhanced the amount accordingly. As such I find no illegality or perversity in the said order passed by the Learned Trial Court.

Now, regarding effect of order, it appears that Learned Trial Court has enhanced the amount of maintenance on and from 06.05.2026 i.e. from the date of the order not from the date of filing of the application. In this regard, Hon'ble the Supreme Court in **Rajnesh Vs. Neha & Anr.** reported in

(2021) 2 SCC 324 wherein in para No.131 Hon'ble the Apex Court observed as under:

> **"131. We make it clear that maintenance in all cases will be awarded from the date of filing the application for maintenance, as held in part B- IV above.**
>
> ***(e) Enforcement/Execution of orders of maintenance*."**

From the aforesaid observation of the Hon'ble Supreme Court, it appears that the order of maintenance should be allowed from the date of application not from the date of passing of the order but the Learned Trial Court has considered the same w.e.f. 06.05.2026 which in my considered view was not proper. So, the order of enhanced maintenance allowance should be given w.e.f. the date of filing of the application on 25.02.2025. But considering the facts and circumstances of the case, I find no further scope to enhance the rate of maintenance from Rs.25,000/- to 35,000/-, rather it appears to this Court that the Learned Trial Court considering the facts and circumstances of the case has rightly enhanced the amount of maintenance from Rs.25,000/- to Rs.30,000/-.

06. In the result, the revision petition filed by the petitioner in Crl.Rev.P.No.52 of 2026 stands dismissed being devoid of merit. But the revision petition filed by the petitioners in Crl.Rev.P.No.55 of 2026 is partly allowed with modification that the respondent-husband shall pay enhanced maintenance allowance at the rate of Rs.30,000/- per month as ordered by the Learned Trial Court, Gomati District, Udaipur w.e.f. the date

of filing of the application i.e. on 25.02.2025 in place of 06.05.2026. The arrear maintenance allowance shall be given in equal installments to the petitioner-wife by the respondent-husband in addition to his enhanced maintenance allowance of Rs.30,000/- equally in the corresponding months.

With this observation, both the petitions are disposed of.

Send a copy of this judgment/order to the Learned Trial Court.

Also supply a copy of this order to Learned Counsel of both the sides.

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

JUDGE

HIGH COURT OF TRIPURA
सत्यमेव जयते

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