

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Rev.P. No. 13 of 2022

Date of Decision: 17.03.2023

Smti. Balarina Wahlang Vs. Shri. Kitboklang Khongsit

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Ms. R. Dutta, Legal Aid Counsel.
Ms. R. Kharmawlong, Adv.
For the Respondent(s) : Ms. D. Mawrie, Adv.

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| i) | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |

JUDGMENT AND ORDER (ORAL)

1. Heard Ms. R. Dutta, learned Legal Aid Counsel appearing on behalf of the petitioner.
2. Also heard Ms. D. Mawrie, learned counsel for the respondent.
3. The petitioner has approached this Court with this instant petition being aggrieved by the impugned order dated 12.08.2022 passed by the learned Judge, District Council Court, Shillong, wherein on a revision petition filed by the respondent herein against an order dated 01.03.2021 passed by

the Magistrate First Class, Subordinate District Council Court, Shillong in MCR(M.C) No. 23(A) of 2021, the said order dated 01.03.2021 was stayed pending hearing of the said revision petition.

4. The learned counsel for the petitioner has submitted that the case of the parties is that the respondent is the husband of the petitioner who is now staying separately from the petitioner and who being the bread earner of the family has left the petitioner in a despondent and destitute stage leading her to fend for herself and her three children, one of whom is a minor.

5. The petitioner has then preferred an application for grant of interim maintenance before the Trial Court upon which the learned Judge, District Council Court, Shillong in revision has stayed the direction for grant of interim maintenance amounting to ₹ 9000/- (Rupees nine thousand) per month.

6. The learned counsels have submitted that the parties may be allowed to agitate the matter before the Court of the learned Judge, District Council Court on the merits of the case. At this juncture, there is no objection if the impugned order is set aside and while the case is progressing, the petitioner to receive the interim maintenance. However, it is also the submission of the learned counsel for the respondent that considering the financial situation of the respondent, wherein, he is earning only about ₹ 13,500/- (Rupees thirteen thousand five hundred) per month, therefore the interim maintenance of ₹ 9000/- (Rupees nine thousand) is on the higher side, which requires to be

revised accordingly.

7. This Court, at this juncture, would not dwell on the merits of the case, suffice it to say that the parties are at liberty to approach the Court concerned for revision or modification of the quantum of interim maintenance.

8. In view of the observations expressed above, this matter is accordingly disposed of with a direction that the impugned order dated 12.08.2022 is set aside and the stay granted stands vacated.

9. The learned Judge, District Council Court, Shillong is directed to proceed with the matter on merit as expeditiously as possible.

10. Petition disposed of. No costs.



Judge

Meghalaya
17.03.2023
"D. Nary, PS"