

Serial No. 17
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl. Petn. No. 60 of 2022

Date of Decision: 02.05.2023

Smti Danme N. Sangma

Vs.

Shri Pinthu N, Marak

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. A.G. Momin, Adv.
For the Respondent(s) : Mr. A.M. Sangma, 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 |

ORDER

1. Heard Mr. A.G. Momin, learned counsel for the petitioner and also heard Mr. A.M. Sangma, learned counsel for the respondent.

2. Learned counsel for the petitioner has submitted that the petitioner and the respondent were residing together as husband and wife as per Garo Customary Law since 07.07.2012 out of which a baby girl was born to them on 03.08.2013. However, the respondent left the matrimonial home and since then has not come to stay together with the petitioner, in

spite of many efforts made to compel him to come back to the petitioner's house.

3. In the meantime, in the month of October, 2014, the petitioner went looking for the respondent at Williamnagar, but was surprised to find out that the respondent is living with another woman. In spite of efforts by the family members to reconcile the relationship between the two, the efforts proved futile.

4. Being left destitute, the petitioner accordingly filed an application under Section 125 Cr.PC for grant of maintenance. The said petition dated 19.11.2014 was preferred before the Subordinate Court Garo Hills Autonomous District Council, Tura, being registered as Misc. Case. No. 14/2014. The said misc. case seeking for grant of interim maintenance was preferred by the petitioner before the same court, the case being registered as Misc. Case No. 14(A)2014.

5. In course of the proceedings, the said Misc. Case No. 14(A) 2014 was since dismissed by the Trial court for which, the petitioner had approached this Court by way of a petition under Section 482 Cr.PC and that this Court vide order dated 16.08.2022 in Crl. Petn. No. 17/2022, had direct registration of the relevant application to be filed by the petitioner before the concerned court, where after, the court of the learned Assistant Judge, District Council Court, Garo Hills Autonomous District Council, Tura, had register a fresh case being Misc. Case No. 166(A)2022.

6. Upon hearing the parties, the learned Assistant Judge, District Council Court, Garo Hills Autonomous District Council, Tura, had passed the impugned order dated 17.10.2022 dismissing the claim of the

petitioner. Hence this petition.

7. In course of proceedings before this Court, the respondent appearing through his counsel, has fairly conceded to the facts of the case and has consented to the demand for payment of maintenance to the petitioner. However, it is prayed that this Court may consider the fact that he is earning only about ₹ 30,564/- (rupees thirty thousand five hundred and sixty four) only as net monthly income and keeping this figure in mind, the court may pass necessary orders.

8. Learned counsel for the petitioner has no objection to the submissions made by the learned counsel for the respondent and has submitted that if an amount of ₹ 10,000/- per month is paid as maintenance, the petitioner would no longer pursue the issue of maintenance before any other courts.

9. This Court having given due consideration to the submissions made and without going into the merits of the case between the parties, however, at the concession made by the respondent and the acceptance of the same by the petitioner and on prayer made by the parties, it would be, but, proper to direct for payment of maintenance by the respondent to the petitioner.

10. The respondent is therefore directed to pay the maintenance allowance of ₹ 10,000/- per month to the petitioner which amount is to be deducted from his monthly salary, through his immediate superior who is the Commandant, 5th Battalion, M.L.P, East Garo Hills, Williamnagar.

11. In deference to the submissions made by the parties herein, all proceedings relating to the issue of maintenance pursued by the petitioner

herein pending before the courts below are hereby brought to an end with no further proceedings to be pursued thereto.

12. The maintenance due to the petitioner, is to be immediately release within 1(one) week from today in respect of the month of April, 2023.

13. In view of the above, this petition is hereby disposed of. No costs.

Meghalaya
02.05.2023
"N.Swer, Stenographer"

Judge

