

GAHC010059552021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Rev.P./121/2021

JOSHIM UDDIN SK
S/O SHIRAJ ALI, R/O VILL- BORAIBARI PART 2, P.O.-BORAIBARI, P.S.-
GAURIPUR, DIST- DHUBRI, ASSAM, PIN-783339

VERSUS

SOBURA KHATUN
D/O LATE NOWSHAD ALI SK, W/O JOSHIM UDDIN SK, R/O VILL- GHAGER
ALGA PART 2, P.O.-GERAMARI, P.S.-GAURIPUR, DIST- DHUBRI, ASSAM,
PIN-783331

Advocate for the Petitioner : MR. S C BISWAS
Advocate for the Respondent : MR. M A SHEIKH

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 29-08-2023

Heard Mr. S. C. Biswas, learned counsel for the petitioner and also heard Mr. M. A. Sheikh, learned counsel for respondent.

This revision petition is directed against the Judgment and Order dated 9.2.2021, passed by the learned Principal Judge, Family Court, Dhubri in F.C(Crl) Case No. 179/2019.

It is to be noted herein that vide aforesaid judgment and order, the learned Principal Judge, Family Court, Dhubri has directed the petitioner to pay a sum of

Rs.9,000/- per month as maintenance to the respondent.

Mr. Biswas learned counsel for the petitioner submits that respondent has filed one petition before the learned Principal Judge, Family Court, u/s 125 Cr.P.C. for grant of maintenance to her and her daughter from the petitioner. In the said petition, the petitioner has submitted written statement in the aforesaid proceeding and thereafter both the parties have amicably settled the matter and filed a joint petition before the learned Court below, being Petition No. 24/2021 on 9.2.2021, agreeing to pay maintenance to the respondent @ Rs. 5000/- per month and further Rs. 4,000/- in favour of her minor daughter. Upon the said petition the learned Court below had disposed of the F.C.(CrI)Case No.179/2019 by directing the present petitioner to pay maintenance to the respondent @ Rs. 5000/- and further a sum of Rs. 4,000/- to her minor daughter.

Mr. Biswas, learned counsel for the petitioner submits that the petitioner is aggrieved by the order dated 9.2.2021, as without going through the compromise petition, he put his signature there believing that the amount of maintenance is mentioned there in as Rs. 6,000/- per month and that the petitioner is not in a position to aforesaid amount as he has some other liabilities and therefore, Mr. Biswas contended to modify the aforesaid order. On the other hand, Mr. M. A. Shiekh learned counsel for the respondent has vehemently opposed the petition and questioned the maintainability of this petition, as the order was passed on Compromise Petition No.24/2021. Further Mr. Sheikh submits that the petitioner was directed to produce up to date pay slip before this court. But, the petitioner has produced pay slip of January, 2022 only and since then the salary of petitioner is increased in manifold and there is no merit in the petition and therefore, Mr. Sheikh contended to dismiss the petition.

Having heard the submission of learned Advocate for both sides, I have carefully gone through the petition and the document placed on record, specially, the order dated 9.2.2021.

At this stage, Mr. Biswas submitted that he may be permitted to withdraw this petition and that whatever order is passed by the learned Court below, the petitioner will abide by the same.

After hearing the learned Advocate for both sides, I find sufficient ground to allow Mr. Biswas, learned counsel for the petitioner to withdraw this petition. Accordingly this petition stands dismissed on withdrawal .

Interim order dated 24.8.2021 stands vacated.

Mr. Biswas, learned counsel for the petitioner submits that he will clear the arrear amount of maintenance within a period of 6(six) months from today. It is expected that the arrear will be cleared within six months from today.

JUDGE

Comparing Assistant