

GAHC010132332023



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

**Case No. : CRP(IO)/181/2023**

MANASH JYOTI RAJKHOWA  
S/O- MONIKANTA RAJKHOWA,  
R/O VILL- TENGAKHAT, PANIMUDI GAON,  
P.O AND P.S- TENGAKHAT, DIST- DIBRUGARH, ASSAM

VERSUS

RUNI SONOWAL  
W/O- MANASH JYOTI RAJKHOWA,  
D/O- TARUN SONOWAL  
R/O VILL- RAJA ALI, KHEREMIA,  
P.O- RAJA ALI, P.S- DULIAJAN,  
DIST- DIBRUGARH, ASSAM

**Advocate for the Petitioner : MR A R BHUYAN**

**Advocate for the Respondent : MR A BHATRA**

**BEFORE**  
**HON'BLE MR. JUSTICE ROBIN PHUKAN**

**ORDER**

**27.06.2023**

Heard Mr. A.R. Bhuyan, learned counsel for the petitioner. Also heard Mr. A. Bhatra,

learned counsel appearing on behalf of the sole respondent.

2. In this application under Article 227 of the Constitution of India, the petitioner has put to challenge the order dated 18.05.2023, passed by the learned Additional District Judge, Dibrugarh, in Misc.(J) Case No.37/2022, arising out of T.S.(D) No.45/2022. It is to be noted here that vide impugned order dated 18.05.2023, the learned Court below has granted *pendente lite* maintenance in favour of the respondent @ Rs.30,000/- per month.

3. Mr. Bhuyan, learned counsel for the petitioner submits that the petitioner is a 2<sup>nd</sup> class contractor and as per the income tax return (Rs.4,84,120/-) submitted by him, his monthly income is around Rs.42,000/- and that he has to pay monthly installment for purchasing a car on loan and also he has the burden of looking after his ailing and aged parents and besides he has been paying a sum of Rs.15,500/- being the cost of educational expense for his two children and he has fairly submitted his affidavit disclosing his assets and liabilities before the learned Court below and despite considering the above, the learned Court below has arbitrarily granted maintenance *pendente lite* @ Rs.30,000/- per month, which is beyond the financial capacity of the petitioner and therefore, Mr. Bhuyan therefore contended to interfere with the impugned order dated 18.05.2023, as it is impossible for him to carry out the same.

4. Mr. Bhuyan further submits that, however the petitioner is ready to bear the expenditure involved in the education of his two children and also agreeable to pay a sum of Rs.15,000/- per month being the maintenance to the respondent/wife.

5. Mr. A. Bhatra, learned counsel for the respondent/wife submits that the offer being made by Mr. Bhuyan is acceptable to the respondent and under such circumstances this Civil Revision Petition may be disposed of at the admission stage itself.

6. Having heard the submission of learned advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the affidavit disclosing the assets and liabilities of the petitioner and the objection petition filed by the respondent.

7. It is not in dispute that the petitioner has been paying a sum of Rs.15,000/- per month being the educational expense, of his two children. He has also been paying a sum of Rs.500/- being the fees of extra curricular activities of his son. On the other hand, the respondent wife has claimed a sum of Rs.30,000/- which includes the cost of education of the children. The learned Court below has awarded a sum of Rs.30,000/- per month.

8. Having considered all the facts and circumstances and also considering the submissions of learned advocates of both sides and also as agreed by them and balancing the equities between the parties, this Civil Revision Petition stands disposed of by directing the petitioner to pay the monthly educational expense for his two children to the tune of Rs.15,500/- per month and also a sum of Rs.15,000/- being the maintenance to the respondent.

9. In terms of above, this Civil Revision Petition stands disposed of and the order dated 18.05.2023 passed by the learned Additional District Judge, Dibrugarh, in Misc.(J) Case No.37/2022 arising out of T.S.(D) No.45/2022, is modified to the extent indicated above.

10. The parties have to bear their own costs.

**Sd/- Robin Phukan**  
**JUDGE**

**Comparing Assistant**