



Serial No.13
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Cr. Petn. No. 14 of 2024

Date of Order: 12.09.2024

Shri. Emmon Marap, MPS. S/o Lt. S. Hadia. R/o Mawblei, Shillong. P.O. and P.S. Madanriting, East Khasi Hills District, Pin- 793021.	Vs.	Smt. Riyan Tariang, R.O: Jingkieng, P.O. and P.S. Laitumukhrah, Dist: East Khasi Hills District, Pin- 793003.
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....Petitioner.

....Respondent.

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. P. K. Borah, Adv.

For the Respondent(s) : Mr. N. I. Choudhury, Adv.

ORAL:-

This is an application under Section 482 Cr.P.C. against the impugned order dated 22.11.2023 passed by the Magistrate First Class, Sub-ordinate District Council Court in Interim Misc. Maint No. 80 of 2023 arising out of M.C.R. No. 83 of 2023 whereby an *ex-parte* order of maintenance was passed against the petitioner directing him to pay monthly interim maintenance to the respondent and her two children.

Heard Mr. P. K. Borah, learned Counsel appearing for the petitioner also Mr. N. I. Choudhury, learned Counsel appearing for the contesting respondent.



Perusal of the materials on record reveals that the petitioner without filing any show-cause against the application for interim maintenance has directly approached this Court seeking interference with the impugned order despite the fact that by order dated 22.11.2023, the learned Trial Court had directed the petitioner to show-cause as to why the order of interim maintenance should not be made absolute. It is submitted by the learned Counsel for the petitioner that the petitioner was not in a position to file a show-cause in the matter as he has come to receive the copy of the petition almost after 6 (six) months of the date of passing of the order. However, the learned Counsel submitted that a show-cause has been filed in M.C.R. No. 83 of 2023 by the petitioner after institution of the present matter before this Court.

The learned Counsels for the parties submit that the *ex-parte* interim order of maintenance has not been made absolute till date. Since, the order dated 22.11.2023 is an *ex-parte* order granting interim maintenance in favour of the respondent, it is clear that the Trial Court has not taken any final decision in this regard and the question is still open for adjudication before the Trial Court.

In the above situation, without going into the merits of the matter, it is deemed appropriate at this juncture to direct the petitioner to file his show-cause in the Interim Misc. Maint No. 80 of 2023 before the Trial Court against the prayer for interim maintenance. The learned Counsel for the petitioner submits that the petitioner will file his show-cause against the interim prayer within a period of one week from today. It is, therefore, directed that in the event of filing of any such show-cause by the petitioner against the prayer of the respondent for grant of interim maintenance, the



Trial Court shall take up the issue and decide the same within a period of one month thereafter.

With the aforesaid direction, this Crl. Petn. No.14 of 2024 stands disposed of.

Judge

Meghalaya
12.09.2024
“Biswarup PS”

