



Serial No.49
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl. Rev.Petn. No. 10 of 2024

Date of Order: 11.07.2025

Shri. Dimchangchirim K. Sangma
S/o(L) Kremilston R. Marak,
R/o Balsrigittim, Williamnagar,
P.O & P.S Williamnagar,
East Garo Hills District, Meghalaya.

Vs. Smt. Chano Ch. Sangma.
D/o (L) Arun G. Momin,
R/o Dakopgre, New Tura,
P.O Dakopgre, P.S Aramile
West Garo Hills District,
Meghalaya.

.....Applicant.

.....Respondent.

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. S. A. Sheikh, Adv.
For the Respondent(s) : None.

ORAL:-

Heard Mr. S. A. Sheikh, learned Counsel appearing for the petitioner.

None appears for the respondent despite service of due notice.

By this revision petition, the petitioner has challenged the impugned *ex-parte* order dated 13-03-2024 passed by the Assistant Judge, District Council Court, Garo Hills Autonomous District Council, Tura in Misc Case No. 180 of 2023 whereby the petitioner was directed to pay an interim maintenance of Rs.10,000/- per month to the child of the respondent.



The learned Counsel for the petitioner submits that the Trial Court has grossly erred in passing the impugned order dated 13-03-2024 without there being any affidavit of disclosure of assets and liabilities filed by the respondent as per the law laid down by the Apex Court in *Rajnesh v. Neha*, (2021) 2 SCC 324 and in *Aditi Alias Mithi v. Jitesh Sharma* (2023) SCC OnLine SC 1451. Relying on the propositions laid down by the Apex Court in the aforesaid cases, it is submitted by the learned Counsel that the Trial Court could not have passed the impugned order without any such affidavit on record. He, therefore submits that the impugned order is not tenable in law and liable to be set aside.

From the submission made by the learned Counsel for the petitioner and perusal of materials on record, it appears that the impugned order dated 13-03-2024 was an *ex-parte* order against the petitioner. Hence, the absence of the affidavit of disclosure of assets and liabilities of the petitioner cannot be the ground to impute any illegality to the impugned order. However, it transpires that no affidavit of disclosure of assets and liabilities was filed by the respondent in terms of the judgment of the Apex Court before the impugned order dated 13-03-2024 was passed by the Trial Court. The mandate of law laid down by the Apex Court in the case of *Aditi Alias Mithi (supra)* makes it clear that no order of maintenance, either interim or final, can be passed by a Court without there being any affidavit of disclosure of assets and liabilities on record. There is nothing to show that the requirement of filing of such an affidavit by the respondent was dispensed with by the Trial Court before the impugned order was passed.

Resultantly, the impugned order dated 13-03-2024 cannot be sustained in law and the same is hereby set aside. The matter is remanded back to the Trial Court for a fresh consideration after compliance of the



legal requirement mandated by decision of the Apex Court in in *Rajnesh v. Neha (supra)* and in *Aditi Alias Mithi (supra)*. Since, the instant matter pertains to the question of grant of interim maintenance allowance, the Trial Court shall make an endeavour to take up the matter without any unnecessary delay.

With the above, this criminal revision petition stands disposed of.

Judge

Meghalaya
11.07.2025
"Biswarup PS"

