GAHC010018202017

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

Case No. : Crl.Rev.P./109/2017

MUSST. HAZERA KHATOON
W/O. NOOR HUSSAIN, C/O. MD. HABIBUR RAHMAN, MASJID GALI,
DHIREN PARA, GUWAHATI.

VERSUS

MD NOOR HUSSAIN and ANR
S/O. SONTORA SAEIKH, ITABHATTA ROAD, C/O. SONTARN SHEIKH,
DHIRENPARA, GUWAHATI-25.

2:THE STATE OF ASSA

Advocate for the Petitioner : MD.H BHUYAN, MS.J H CHOUDHURY

Advocate for the Respondent : , PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 10.11.2026

None appears for the petitioner when the matter is called today.

There is no representation on behalf of the respondent No. 1, while, Mr. A Borthakur, learned Addl. Public Prosecutor appears for

respondent No. 2.

The present Criminal Revision Petition has been instituted assailing an order dated 01.02.2016, passed by the learned Principal Judge, Family Court, Kamrup at Guwahati, in Misc. Case No. 698/2014 and Misc Case No. 463/2015. The petitioner has further prayed for grant of monthly maintenance at the rate of Rs. 5000/- (Rupees Five Thousand Only) per month to her, from the respondent No. 1.

The marriage of the petitioner and the respondent No. 1 was solemnized on 22.07.1994 as per Mohammedan Law and out of the said wedlock, a girl child was born to them. On account of certain matrimonial disputes arising in the matter, the petitioner along with her daughter, being required to leave the matrimonial house, had approached the Court of the learned Principal Judge, Family Court, Kamrup at Guwahati, with an application praying for grant of maintenance. The application filed by the petitioner was allowed and maintenance was granted to her and to her minor daughter at the rate of Rs. 700/- (Rupees Seven Hundred Only) per month. The said amount was subsequently enhanced to Rs. 1800/- (Rupees One Thousand Eight Hundred Only) per month in the year

2006, vide directions passed in Misc Case No. 255/2006. Thereafter, the petitioner, herein, had instituted Misc. Case No. 698/2014, praying for enhancement of the maintenance amount to her and her daughter. The respondent No. 1 had also instituted Misc. Case No. 463/2015 and therein, he had highlighted that his daughter having already become a major, no maintenance is required to be paid by him to her.

The learned Trial Court, on considering the issues arising in both the above noted Misc. cases, proceeded, vide order dated 01.02.2016, to allow the Misc. case filed by the petitioner, herein, and granted an enhancement of the maintenance allowance to her to Rs. 1100/- (Rupees One Thousand One Hundred Only) per month. However, allowing the Misc Case filed by the respondent No. 1, the maintenance directed to be paid to the daughter was stopped.

Being aggrieved, the petitioner has instituted the present Criminal Revision Petition.

I have perused the materials available on record and found that the petitioner has not brought on record any material to

demonstrate as to the earning capacity of the respondent No. 1, herein. This Court finds that the learned Trial Court had taken into consideration all relevant aspects of the matter and had thereafter, enhanced the monthly maintenance to the petitioner from Rs. 900/- (Rupees Nine Hundred Only) per month to Rs. 1100/- (Rupees One Thousand One Hundred Only) per month.

Considering the stand of the parties before the learned Family Court, this Court is of the considered view that the enhancement granted, with regard to the maintenance amount by the learned Family Court to the petitioner, herein, is reasonable and would not mandate an interference from this Court. Further, the daughter of the petitioner having become a major, she is naturally not entitled to any maintenance from her father and accordingly, the directions, passed by the learned Family Court to stop the maintenance allowance paid to the daughter, is also not erroneous and would not mandate an interference from this Court.

In view of the above discussions, this Court is of the considered view that the present Criminal Revision Petition is devoid of any merit and accordingly the same stands dismissed. However, there

would be no order as to costs.

JUDGE

Comparing Assistant