

**IN THE COURT OF SHRI LALDINPUIA TLAU JUDICIAL MAGISTRATE FIRST CLASS
AIZAWL: DISTRICT, AIZAWL**

.....
Criminal Complaint No. 12/2014 u/s 125 Cr.P.C.

Smt. Lalthanpari,
D/o R. Rohnuna,
R/O Ramthar North, Aizawl.

..... Petitioner

- Versus -

Sh. Lalkrosena,
No. 4364392 XL, HAV, 5th Assam Regiment
c/o 99 APO, ARC, Shillong, Meghalaya,
S/o C. Lalrinawma,
R/o Ramthar North, Aizawl.

..... Respondent

Present

LALDINPUIA TLAU, JUDICIAL MAGISTRATE FIRST CLASS

For the Petitioner	:	Mr. K. Kawlkhuma & ors. Advocates.
For the Respondent	:	Mr. C. Lalzamlia, Advocate.
Order delivered on	:	14.03.2014

ORDER

1. This is an application u/s 125 Cr. PC submitted by Smt. Lalthanpari, D/o R. Rohnuna, R/O Ramthar North, Aizawl, Mizoram against Sh. Lalkrosena s/o C. Lalrinawma, R/O Ramthar North, Aizawl, Mizoram, No. 4364392/XL/HAV, 5th Assam Regiment, c/o 99 APO, ARC, Shillong, Meghalaya for maintenance of herself and her minor children namely David C. Lalrintluanga (15 yrs.), C. Lallawmsangi (11 yrs.) and CH. Lalbiaksanga (8 yrs.) at the rate of 15,000/- per month.

2. It is averred that the petitioner and the respondent married in the year 1998 and divorced on 20th January, 2014 by way of 'Mak'. Out of the said wedlock, minor children namely David C. Lalrintluanga, C. Lallawmsangi and CH. Lalbiaksanga were born. Since divorce, the petitioner and her minor children have been living in her parents' house.

3. It is averred that the respondent is a Havilder No. 4364392/XL/HAV, 5th Assam Regiment, c/o 99 APO, ARC, Shillong, Meghalaya. On the other hand, the petitioner has no other independent source of income to look after herself and her three minor children who are school going as well as for their upbringing.

4. The petitioner also avers that the respondent neglected the petitioner and her small children since divorce.

5. The Id. Counsel for the respondent made a verbal submission that he divorced the petitioner by way of Mak as per Mizo Customary Law and the minors in issue are his legitimate children. Therefore he has no objection in giving maintenance to the all petitioners. However, he could not pay the amount which is prayed by the petitioners due to financial constraints and he is almost attaining the age of retirement from his service.

6. I heard parties at length. Since there is no objection from the respondent in giving maintenance, the only point to settle is the amount payable by the respondent towards the petitioners.

7. Having regarded to the financial condition of the respondent and the needs the petitioners, this court presumes that a sum of Rs 1,100 p.m. is genuine for the proper maintenance of Lalthanpari, ex-wife of the respondent and a sum of Rs. 1,800/- each is genuine for the proper brought up of the children.

8. In the light of the above discussion, this court therefore makes an order that Sh. Lalkrosena shall pay a sum of Rs. 1,100/- per month for the maintenance of Lalthanpari and a sum of Rs. 1,800/- each per month for the maintenance of David C. Lalrintluanga, C. Lallawmsangi and CH. Lalbiaksanga. The maintenance shall be payable from the month of April, 2014.

9. The petitioner, Lalthanpari should be the legal representative of the minor children namely David C. Lalrintluanga, C. Lallawmsangi and CH. Lalbiaksanga as she is looking after the minor children in her custody.

11. Regarding mode of payment, the respondent shall deposit the said amount into the account of R. Rohnuna f/o Lalthanpari of Ramthar North, Account No. 10763529102 at SBI, Main Branch, Aizawl not later than 10th of every month for maintenance of Lalthanpari, David C. Lalrintluanga, C. Lallawmsangi and CH. Lalbiaksanga.

With the above order, the case is disposed of.

Given under my hand and the seal of the Court on this 14th day of March, 2014.

Sd/-LALDINPUIA TLAU
Judicial Magistrate 1st Class,
Aizawl District : Aizawl

Memo No. _____/JMFC-II(A)/2014 : Dated Aizawl, the 14th March, 2014
Copy to :

1. District and Sessions Judge, Aizawl Judicial District, Aizawl, Mizoram.
2. Trial Magistrate.
3. Sh. Lalkrosena s/o C. Lalrinawma, R/O Ramthar North, Aizawl, Mizoram, No. 4364392/XL/HAV, 5th Assam Regiment, c/o 99 APO, ARC, Shillong, Meghalaya through Mr. Lalzamliaana, Advocate.
4. Smt. Lalthanpari d/o R. Rohnuna of Ramthar North through Mr. K. Kawlkhuma & ors. Advocates.
5. Judicial Branch.
6. Guard File.
7. Case record.

P E S H K E R