

IN THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS

AIZAWL, MIZORAM

CRIMINAL COMPLAINT No. 111 of 2017 U/S 125 Cr.PC

Smt Mimi Lalhmingmawii : Complainant/Petitioner
D/o Laltlanmawia
R/o Falkland, Aizawl

Versus

Shri Lalthakima : Respondent
S/o Zothankima
Teacher
Govt PS - X, Saidan, Kolasib

PRESENT

H. LALDUHSANGA

Judicial Magistrate First Class, Aizawl

Counsel for Petitioner : Shri R Thangkanglova, Advocate & ors.
Counsel for Respondent : Shri VL Nghata Keivom, Advocate & ors.

ORDER

Dt. 16.07.2018

1. This is a Criminal Complaint No. 111 of 2017 U/S 125 Cr. PC filed by Smt Mimi Lalhmingmawii D/o Laltlankima R/o Falkland, Aizawl (*hereinafter called Petitioner*) against Shri Lalthakima, SSA Teacher, Govt PS - X Saidan, Kolasib S/o Zothankima, Kolasib (*hereinafter called Respondent*) on 11.07.2017.
2. The Petitioner submitted *inter alia* the Parties married in the year 2005 and Deborah Malsawmtluangi was born to the parties during wed-lock and running for 11 years. The marriage had stood dissolved. The petitioner has been asking for monthly maintenance outside the Court since January, 2016 but the Respondent paid no heed. The petitioner has been looking after the said minor with no regular source of income. The Respondent is having sufficient means to maintain the minor. He is working as a teacher in Govt PS – X, Saidan, Kolasib under SSA Mission and drawing monthly salary. The Respondent and his wife are earning not less than Rs 40,000/- per month. Hence, prayed a monthly maintenance at the rate of Rs 8,000/- for the maintenance of the said minor.
3. Received written objection. The Ld. Counsel for the Respondent submitted *inter alia* the Respondent did not deny paternity of the minor and willing to pay monthly maintenance

as well. However, the Respondent has been looking after his wife and previous child and making payment of monthly maintenance at the rate of Rs 8,000/- would be too heavy for him and strongly prayed for Rs 3,000/-. He added that he drew only Rs 25,000/- monthly salary. Having heard the Ld. Counsel for the petitioner and the Respondent and perused all the documents and on considering the present status and condition of the parties, it is

ORDERED

- That Shri Lalthakima, SSA Teacher, Govt PS - X Saidan, Kolasib S/o Zothankima, Kolasib as being a biological father shall make payment of monthly maintenance at the rate of Rs 4,000/- (Four Thousand) to Smt Mimi Lalhmingmawii D/o Laltlankima R/o Falkland, Aizawl for the maintenance of minor Deborah Malsawmtluangi until the minor attains the age of majority as per the Indian Majority Act, 1875 or further Order.
- That the Respondent shall start making payment as per stated in the above from the month of July, 2018.

With the above Order, this Criminal complaint stands disposed of.

**Given under my hand and seal of this Court on this day of the
16th July, 2018 Anno Domini.**

**(H. LALDUHSANGA)
Magistrate 1st Class,
Aizawl, Mizoram**

Memo No.....: Dated Aizawl, the 16th July, 2018.

Copy to:-

1. Smt Mimi Lalhmingmawii D/o Laltlankima R/o Falkland, Aizawl through Counsel Shri R Thangkanglova, Advocate
2. Shri Lalthakima, SSA Teacher, Govt PS - X Saidan, Kolasib S/o Zothankima, Kolasib through Counsel Shri VL Nghata Keivom, Advocate
3. Cashier, District Education Office, Kolasib District, Kolasib
4. i/c Judicial Section.
5. Case record.

PESHKAR