

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS**

**AIZAWL, MIZORAM**

**CRIMINAL COMPLAINT No. 126 of 2017 U/S 125 Cr.PC**

Smt RK Lalnunkimi : Complainant/Petitioner  
D/o RK Lalchungnunga  
R/o Bethlehem Vengthlang, Aizawl

Versus

Shri B Lalbiakzuala : Respondent  
S/o B Rothangpuia (L)  
Bethlehem Vengthlang, Aizawl

**PRESENT**

H. LALDUHSANGA  
Judicial Magistrate First Class, Aizawl

Counsel for Petitioner : Shri Reuben L Tochhong, Adv  
Counsel for Respondent : Shri Roger C Lalhmangaiha, Adv.

**ORDER**

**Dt. 07.06.2018**

1. This is a Criminal complaint filed U/S 125 Cr. PC by Smt RK Lalnunkimi D/o RK Lalchungnunga R/o Bethlehem Vengthlang, Aizawl (*hereinafter called Petitioner*) against Shri B Lalbiakzuala S/o B Rothangpuia (L) R/o Bethlehem Vengthlang, Aizawl (*hereinafter called Respondent*) on 31.07.2017. Duly stamped, accepted and registered as Criminal complaint No. 126 of 2017 U/S 125 Cr.PC.
2. The Petitioner submitted *inter alia* that she married the Respondent on 20.02.2005 and B Vanlalromuana (14 yrs), B Liantluangpuia (10 yrs), B Lalhruaitluanga (8 yrs) and Alex Lalnunmawia (6 yrs) were born to the Parties. However, the marriage had stood dissolved by way of "Mak" on 25.02. 2016. The said minors have been under the custody of the petitioner since then. The petitioner has been looking after them with no regular source of income. During the time of their marriage, the Respondent had an on-going affair with another woman and now married with her. The Respondent is having sufficient means to maintain them but neglected to do so despite repeated request. In fact, the Petitioner has gone back to her paternal house and is facing many hardships and difficulties. She has no job or means to support her loving minor children. At the

same time, the Respondent is a Government servant serving as a Driver under Gauhati High Court, Aizawl Bench and drawing about Rs 20,000/- monthly salary. Hence, prayed a monthly maintenance at the rate of Rs 2,000/- from the Respondent for the maintenance of the Petitioner and Rs 3,000/- for the maintenance of the eldest minor namely B Vanlalromuana.

3. Received written objection from the Respondent stating **inter alia** that B Liantluangpuui and Alex Lalnunmawia are under his custody. However, the Petitioner prayed for herself and minor B Vanlalromuana only. He had to maintain his mother and new family. Further, he is not a Driver but Court Attendant cum Peon drawing only Rs 18,685/- monthly salary. However, being a biological father, he was willing to maintain the minors but he had no other sources of income and making payment of monthly maintenance at the rate claimed was too heavy for him and impossible at the present situation and so prayed for Rs 2,000/- per month. *As the Respondent does not hesitate to make payment of monthly maintenance and does not deny paternity of the said minors and ready to make payment of monthly maintenance but at lower rate, the Court does not enter into evidence to avoid wasting of time.* This Court has in fact given thoughtful consideration and heard the Ld Counsels for both the parties at length. Considered the date of divorce, the number of minors under the Petitioner's custody, the chronological ages of the minors, the Petitioner's present status and the Respondent's status including his profession and monthly salary and so on.

### **ORDER**

4. That Shri B Lalbiakzuala S/o B Rothangpuia (L) R/o Bethlehem Vengthlang, Aizawl as being a biological father shall make payment of monthly maintenance at the rate of Rs 2,500/- (Two Thousand Five Hundred only) to Smt RK Lalnunkimi D/o RK Lalchungnunga R/o Bethlehem Vengthlang, Aizawl for the maintenance of minor B Vanlalromuana until the minor attains the age of majority as per the Indian Majority Act, 1875 or further Order.
5. That Shri B Lalbiakzuala S/o B Rothangpuia (L) R/o Bethlehem Vengthlang, Aizawl as being a biological father shall make payment of monthly maintenance at the rate of Rs 1,000/- (One Thousand only) to Smt RK Lalnunkimi D/o RK

Lalchungnunga R/o Bethlehem Vengthlang, Aizawl for her maintenance until she remarries or further Order.

6. That the Respondent shall start making payment as per stated in the above from the date of this Order.
7. With the above Order, this Criminal complaint stands disposed of.

**Given under my hand and seal of this Court on this day of the 7<sup>th</sup> June, 2018 Anno Domini.**

**(H. LALDUHSANGA)**

Magistrate 1<sup>st</sup> Class,  
Aizawl, Mizoram

Memo No.....: Dated Aizawl, the 7<sup>th</sup> June, 2018.

Copy to:-

1. Smt. RK Lalnunkimi D/o RK Lalchungnunga R/o Bethlehem Vengthlang, Aizawl through Counsel Shri Reuben L Tochohong, Adv
2. Shri B Lalbiakzuala S/o B Rothangpuia (L) R/o Bethlehem Vengthlang, Aizawl through Counsel Shri Roger C Lalhmangaiha, Adv
3. i/c Judicial Section.
4. Case record.

**PESHKAR**