

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

**AIZAWL, MIZORAM**

**CRIMINAL COMPLAINT No. 175 of 2017 U/S 125 Cr.PC**

Smt C Laltlanzami : Complainant/Petitioner  
Ex W/o Edenthara  
R/o Thuampui, Aizawl, Mizoram

Versus

No 4369065 W – NK Shri Edenthara : Respondent  
Assam Regiment  
HQ 33 Corps (Camp)  
PIN – 908533  
c/o 99 APO, Assam

**PRESENT**

H. LALDUHSANGA

Judicial Magistrate First Class, Aizawl

Counsel for Petitioner : Smt Lalramnghaki, Adv

Counsel for Respondent : Shri Laltanpuia, Adv.

**ORDER**

**Dt. 11.06.2018**

1. This is a Criminal complaint filed U/S 125 Cr. PC by Smt C Laltlanzami Ex W/o Edenthara R/o Thuampui, Aizawl, Mizoram (*hereinafter called Petitioner*) against No 4369065 W – NK Shri Edenthara, Assam Regiment, HQ 33 Corps (Camp) PIN – 908533 c/o 99 APO, Assam (*hereinafter called Respondent*) on 20.10.2017. Duly stamped, accepted and registered as Criminal complaint No. 175 of 2017 U/S 125 Cr.PC.
2. The Petitioner submitted *inter alia* that she married with the Respondent on 12.09.2012 and Marcus Vanlalhriata was born to the parents on 11.08.2015. However, the marriage had stood dissolved by way of "Sumchhuah" on 10.01. 2015. The said minor has been under the custody of the petitioner since then. The petitioner has been looking after him with no regular source of income. The Respondent is having sufficient means to maintain them. He is working in Assam Regiment. Hence, prayed a monthly maintenance at the rate of Rs 5,000/- from the Respondent for the maintenance of the said minor.

3. Received written objection. The Respondent submitted **inter alia** there was no negligence on the part of the Respondent. He had to maintain his old aged mother and his sister who is studying Lab Technician at Aizawl. Further, the petitioner is a Hindi teacher in a School and able to maintain the said minor. However, being a biological father, the Respondent is willing to maintain the minor but he had no other sources of income and making payment of monthly maintenance at the rate claimed was impossible at the present situation and so prayed for Rs 1,500/- per month. Having heard the Ld Counsels for the parties and perused all the documents, it is found that the Respondent did not deny paternity of the said minor and ready to make payment of monthly maintenance but at lower rate.

### **ORDER**

4. That No 4369065 W – NK Shri Edenthara, Assam Regiment HQ 33 Corps (Camp) PIN – 908533 c/o 99 APO, Assam 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 C Laltlanzami Ex W/o Edenthara R/o Thuampui, Aizawl, Mizoram for the maintenance of minor Marcus Vanlalhriata until the minor attains the age of majority as per the Indian Majority Act, 1875 or further Order.
5. That the Respondent shall start making payment as per stated in the above from the date of this Order.
6. With the above Order, this Criminal complaint stands disposed of.

**Given under my hand and seal of this Court on this day of the 11<sup>th</sup> June, 2018 Anno Domini.**

**(H. LALDUHSANGA)**  
Magistrate 1<sup>st</sup> Class,  
Aizawl, Mizoram

Memo No.....: Dated Aizawl, the 11<sup>th</sup> June, 2018.

Copy to:-

1. Smt. C Laltlanzami Ex W/o Edenthara R/o Thuampui, Aizawl, Mizoram through Counsel Smt Lalramnghaki, Adv
2. No 4369065 W – NK Shri Edenthara, Assam Regiment, HQ 33 Corps (Camp) PIN – 908533 c/o 99 APO, Assam through Counsel Shri Laltanpuia, Adv
3. i/c Judicial Section.
4. Case record.

**PESHKAR**