

GAHC010173362025



2026:GAU-AS:2264

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

Case No. : Crl.Rev.P./300/2025

MANIRUDDIN
SON OF MD. HARMUZ ALI
R/O JAIPUR,
P.O. AND P.S. HOWLY
DIST. BARPETA, ASSAM

VERSUS

SAHIDA BEGUM
W/O MD. MONIRUDDIN
R/O UTTAR GUWAHATI, BORLABARI
P.O. AND P.S. CHANGSARI, IN THE DISTRICT OF KAMRUP (M), ASSAM, PIN-
781101.

Advocate for the Petitioner : MR S SARMAH, MR. J GAUTAM

Advocate for the Respondent : MR. P SHARMAH, MR. H RAHMAN, MR. R CHETRY

BEFORE
HONOURABLE MR. JUSTICE RAJESH MAZUMDAR

ORDER

Date : 16-02-2026

Heard Mr. S. Sarmah, learned counsel for the petitioner and also heard
Mr. R. Chetry, learned counsel for the sole respondent.

The bone of contention in this criminal revision petition is the order passed by the learned Principal Judge, Family Court No.1, Kamrup (M) in F.C (Criminal) Case No. 353/2022 on 19.07.2025. By the aforesaid order, the learned Family Court has directed the petitioner herein to pay monthly maintenance of Rs. 5,000/- to the respondent herein and another Rs. 2,000/- each to the minor children of the couple with effect from the date of filing.

The learned counsel for the petitioner in this criminal revision petition has submitted that the order does not reflect that the affidavit of assets and liability filed by the parties in the litigation were taken into consideration when the learned Family Court had determined the quantum of compensation. The learned counsel for the petitioner has further submitted that no reason has been granted in quantifying the monthly maintenance of minimum Rs. 5,000/- and Rs. 2000/- each to the children of the minor.

The learned counsel for the petitioner has further submitted that the petitioner was paying an amount of Rs. 3,000/- in total during the pendency of the Family Court (Criminal) Case No. 353/2022. The learned counsel for the petitioner has further submitted that the fact that the monthly net salary income of the petitioner is about Rs. 7423/- only has not been discussed by the learned Principal Judge, Family Court while granting total maintenance of an amount of Rs. 9,000/- to be paid to the petitioner.

Countering the aforesaid argument, the learned counsel for the respondent has submitted that it is not in dispute that the children of the couple are studying in educational institution, where the children of the couple are required to pay around Rs. 700/- p.m for the male child and around Rs. 1000/- p.m for the female child.

This Court has gone through the order passed by the learned Principal

Judge, Family Court and has found that the affidavit of the assets and liability has not been discussed in the judgment. The only ground for the learned Principal Judge, Family Court No.1 to grant monthly maintenance was that the petitioner therein/the respondent herein had no source of income.

It has been submitted at bar that the petitioner herein has paid a total sum of Rs. 19,000/- till now from the date of disposal of the Family Court (Criminal) Case No. 353/2022. Since the law requires an evaluation of the assets and liability each of the contesting parties in a case for grant of maintenance, this Court is of the opinion that the order dated 19.07.2025 requires interference to the extent that it did not discuss the assets and liability of each of the contesting parties.

This Court is of the opinion that the interest of justice would be served in the event, the matter is remanded back to the Trial Court to take into account the affidavit of the assets and liability filed by the respective contesting parties as are available and also keeping in view the evidence available on record before the learned Trial Court and thereafter, come to a finding regarding the quantum of maintenance required to be paid to the petitioner therein.

During the pendency of the Family Court (Criminal) Case No. 353/2022 before the learned Trial Court, it is provided that on or before the 10th of every month, the petitioner shall pay a sum of Rs. 1500/- for the male child and Rs. 2000/- for the female child and Rs. 2000/- to the sole respondent herein.

It is made clear that this interim shall operate only during the pendency of the litigation before the learned trial Court and the learned Trial Court shall not be influenced by the quantum fixed by this Court while disposing of the claims in accordance with law.

Accordingly, the criminal revision petition stands disposed of.

JUDGE

Comparing Assistant