

THE HIGH COURT OF TRIPURA
A G A R T A L A

CRL. REV. P. 111 of 2007

Md. Mujib Ali,
S/O Late Abdul Sahid,
Resident of village- Srinathpur
P.O. + P.S.- Kailasahar,
District- North Tripura.

.... **Petitioner**

Versus

Smti. Rukia Begum,
W/O Md. Mujib Ali,
Resident of village- Laxmipur,
P.O. + P.S.- Kailasahar,
District- North Tripura.

.... **Respondent**

B E F O R E
THE HON'BLE CHIEF JUSTICE MR. DEEPAK GUPTA

For the petitioner : Mr. P. Saha , Amicus Curiae

For the respondent : None.

Date of hearing and : **28.02.2014.**
delivery of judgment.

Whether fit for reporting : **YES/NO**

JUDGMENT & ORDER(ORAL)

This petition by the husband is directed against the order dated 14.06.2007 passed by the learned Family Court, Kailasahar, North Tripura, whereby the learned Family Judge directed the husband to pay maintenance of Rs. 800/- per month to the wife and Rs. 400/- per month to the minor daughter.

2. None appeared for the petitioner and Sri Saha, was appointed as amicus curiae to appear on behalf of the petitioner.

3. I have with the assistance of Sri Saha, gone through the record. The respondent wife filed a petition under Section 125 Cr.P.C claiming maintenance for herself and her minor daughter. In the said petition it was alleged that the wife had married Md. Mujib Ali on 19.09.2000 as per Muslim rites and customs and out of this wedlock a child was born who was about 3 years old, when the petition for maintenance was filed. It was further alleged that from December, 2004, the husband has started torturing the wife and demanding dowry and when this demand was not fulfilled he drove the wife out of the house along with her minor child. On this basis maintenance was demanded.

4. The husband filed a written statement claiming that there was no marriage between the parties. He stated that he is a Muslim and is residing with his wife and four children and that he has never married Rukia Begum. The parties led evidence and the wife produced one compromise dated 18.08.2005 wherein she was described as the wife and Mujib Ali, present petitioner was described as the husband. She also produced the copy of the affidavit sworn by the petitioner husband Mujib Ali before the Executive Magistrate, Dharmanagar wherein also he had admitted the factum of the marriage.

5. In this view of the matter, the learned Family Court held, that the statement of the husband was totally unbelievable and he had been taking a totally false stand that he was never married. The version of the wife that she was thrown out should be believed. I am in total agreement with the learned Family Judge, Kailasahar and, therefore, I find no error in the order dated 14.06.2007 passed by the learned Family Judge, Kailasahar, North Tripura

6. At this stage Mr. Saha submits that he has been instructed by Md. Mujib Ali, the present petitioner, to state that the wife has got remarried to some other person and that the minor daughter is now living with the present petitioner. No affidavit in this regard has been filed and no application had been filed to bring these facts on record. In view of the totally false stands taken by the petitioner husband before the learned Trial court, I am not ready to accept his oral word as communicated to learned Amicus Curiae. Therefore, the petition is rejected.

7. The learned court places on record the valuable assistance rendered by Mr. P. Saha as Amicus Curiae. Since Sri Saha, has rendered valuable assistance, The Tripura High Court Legal Services Committee is directed to pay a sum of Rs. 2,500/- as fees, to Mr. P. Saha.

8. Criminal Revision petition is disposed of.
Send down the LCRs forthwith.

CHIEF JUSTICE