

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

CRL. REV. P. No. 2 of 2018

1. Mrs. Safina Begum, aged about 31 years, D/O (Late) Mv. Jahur Ali, Resident of Hayellabuk P.O. & P.S. – Thoubal, Thoubal District, Manipur.
2. Master Saad @ Sakil aged about 8 years, S/o Md. Safiqur Rahman, represented by Natural Mother, Mrs. Safina Begum;
3. Master Sahal @ Sahil, aged about 8 years, S/o Md. Safiqur Rahman, represented by Natural Mother, Mrs. Safina Begum;

..... *Petitioners*

- Versus -

Md. Safiqur Rahman, aged about 38 years, s/o Sirajuddin, resident of Ushoipokpi Tamyai, P.O. & P.S. Lilong – Thoubal District, Manipur.

..... *Respondent*

BEFORE
HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR

For the petitioners	:	Md. Ajmal Hussain, Advocate
For the respondent	:	Mr. STH. Chishti, Advocate

Date of Order	:	26.09.2018
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ORDER

[1] Heard Md. Ajmal Hussain, learned counsel appearing for the petitioners; and Mr. S.T.H. Chishti, learned counsel appearing for the respondent.

[2] The present criminal revision petition has been filed seeking enhancement of the interim maintenance granted by the Family Court, Thoubal, in its order dated 04/12/2017 passed in Cril. (Maintenance) Case No. 7 of 2017, which reads as follows:-

"It would be just and proper to award an interim maintenance of Rs. 3500/- to the Petitioners till the disposal of the present application.

It is hereby ordered that the respondent shall pay a sum of Rs. 3500/- as interim Monthly Allowance to the Petitioners.

The same shall be paid on or before the 10th of every English calendar month. The same shall take effect from today"

[3] The petitioner No. 1 is the divorced wife of the respondent, and petitioner No. 2 & 3 are their two minor children (twin boys), aged about 8 years. In the interim order passed by the Court below, a sum of Rs. 3500/- has been ordered as an interim monthly maintenance allowance. Aggrieved by that order, the present petition has been filed seeking for enhancement of the interim monthly maintenance amount.

[4] Md. Ajmal Hussain, learned counsel appearing for the petitioners, pleaded for indulgence of the Court to enhance the interim maintenance for the twins who are just 8 (eight) years old. He also pleaded that the interim

maintenance should have been paid by the respondent from the date of application and not from the date of the order of the Court below.

[5] Mr. STH Chishti, learned counsel appearing for the respondent, who, on direction of the Court, produced the salary certificate of the respondent, which is as follows:

"TO WHOM IT MAY CONCERN"

This is to certify that Rfm. No. 132001259, Md. Safiqur Rahaman S/o Md. Sirajuddin of Lilong Chingkhram Mamang, P.S.- Lilong, Thoubal District is presently serving in 4th India Reserve Battalion, Manipur, Thenguchingjin. He is drawing salary for the month of August, 2018 are as following:-

GROSS PAY

Pay/Band	:	Rs.	10110/-
Grade Pay	:	Rs.	1900/-
D.A.	:	Rs.	15733/-
HRA	:	Rs.	1201/-
SCA	:	Rs.	1200/-
TA	:	Rs.	800/-
WA	:	Rs.	60/-
Total	:	Rs.	31004/-

TOTAL DEDUCTION

GPF	:	Rs.	7000/-
GIS	:	Rs.	30/-
Total	:	Rs.	7030/-

NET PAY

Gross	:	Rs.	31004/-
Deduction	:	(-)Rs.	7030/-
Total	:	Rs.	23974/-

(Rupees twenty three thousand nine hundred and seventy four) only

*(S. Nandakishore Singh) MPS
Commandant,
4th India Reserve Battalion
Manipur, Thenguchingjin"*

[6] He pleads that the petitioner No. 1/wife has taken lump sum alimony, and therefore, no amount is required to be paid further. That fact is disputed by Ajmal Hussain, learned counsel appearing for the petitioners.

[7] Be that as it may, the fact remains that there are twin boys who are about eight years old, and need to be taken care of by the respondent who is the father and duty bound till they become major. The plea that the petitioner No. 1 is wealthy is also disputed by Md. Ajmal hussain, learned counsel appearing for the petitioners.

[8] In this situation, taking note of the gross pay of Rs. 31,004/- and deduction towards GPF at the rate of Rs. 7000/- per month and the total net salary of the respondent, the Court is of the view that the two 8 (eight) years old twin boys are entitled to get higher interim monthly maintenance because they are young children and they need proper food, clothing and education to sustain themselves and grow up as good citizen of this country.

[9] While considering grant of interim monthly maintenance, the Court has taken into consideration the fact that the respondent is capable of making GPF contribution of Rs. 7000/- per month out of his earning, and therefore, there is no reason as to why he should deny his sons' reasonable amount towards interim monthly maintenance. The balance of convenience is in favour of the young boys.

[10] In this view of the matter, taking note of the gross pay, the contribution to GPF at the rate of Rs 7000/- per month, and the net pay of

Rs. 23,974/-, the cost of living, and the amount needed for normal sustenance, this Court is of the view that in the interest of justice, the two boys would be entitled to interim monthly maintenance at the rate of Rs. 3500/- each per month.

[11] The amount of Rs. 3500/- each shall be paid by the respondent to the bank account of the two minor boys which shall be specially opened in their names by the petitioner No. 1/mother as guardian in a nationalized bank.

[12] The interim monthly maintenance shall be put to use only for the welfare of the two boys. The interim maintenance amount shall be payable from 26.04.2017, i.e. date of the original application before the Trial Court, being Cril. (Maintenance) Case No. 7 of 2017.

As far as petitioner No. 1 is concerned, the Court below will consider the same independently.

[13] Petition stands allowed as above.

CHIEF JUSTICE

Sandeep