



Serial No.22
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Petn. No.45 of 2023

Date of Order: 30.01.2025

Dr. Wansainbor Lyngwi.
S/o- Smti. E. Kharmalki
R/o – Mairang Nongbri Village,
West Khasi Hills District,
Meghalaya.

Vs. Smti. Maria Syiemlieh.
W/o Dr. Wansainbor Lyngwi.
R/o- Mission Compound, Jowai,
West Jaintia Hills District,
Meghalaya.

.....PETITIONER

.....RESPONDENT.

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. N. Syngkon, Adv.
Ms. L. Phanjom, Adv.

For the Respondent(s) : Mr. P. Yobin, Legal Aid Counsel.

ORAL:-

Heard Mr. N. Syngkon, learned Counsel appearing for the petitioner also Mr. P. Yobin, learned Legal Aid Counsel appearing for the respondent.

By this application under Section 482 Cr.P.C., the petitioner has challenged the order dated 20-06-2024 passed in M.C.R. Case No.2 of 2018 by the Judicial Magistrate First Class, West Jaintia Hills District, Jowai whereby the petitioner was directed to pay an amount of Rs. 6,000/-



(six thousand rupees) per month as interim maintenance to the respondent herein and her minor son.

Mr. N. Syngkon, learned Counsel appearing for the petitioner submits that the marriage between the petitioner and the respondent has been declared as null and void by order dated 30-08-2024 passed by the Addition Judge, Additional District Council Court, Shillong wherein it has also been held that the respondent is not entitled to claim any benefit from the petitioner in terms of Section 125 Cr.PC/144 BNSS. He submits that in view of the categorical finding by the learned Additional Judge, the respondent has no right to claim any maintenance from the petitioner.

Mr. P. Yobin, learned Legal Aid Counsel appearing for the respondent, per contra, questions the maintainability of the present petition under Section 482 Cr.PC and submits that there exist other alternative legal remedy to challenge the order impugned herein. In addition, the learned Counsel has also refuted the claim of the petitioner.

Perusal of material on record reveal that the impugned order dated 20-06-2022 is only an order of interim maintenance and, hence, the learned Legal Aid Counsel for the respondent is correct in contending that the petitioner has other remedy available in law. Thus, this Court is not inclined to entertain the instant petition at this juncture. However, the petitioner shall have liberty to challenge or seek modification/alteration or vacation of the order dated 20-06-2022 passed in M.C.R Case No. 2 of 2018 before the appropriate authority in accordance with law. Needless to say, that the petitioner shall also be at liberty to place all the relevant documents in support of his case.



With the above, the instant matter stands disposed of.

Judge

Meghalaya
30.01.2025
“Biswarup PS”