

ITEM NO.6

COURT NO.4

SECTION II

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (CRL.) NO(S). 4912/2016  
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 10/05/2016  
IN CRLRP NO. 137/2016 PASSED BY THE HIGH COURT OF GAUHATI)

TAPASI DAS

PETITIONER(S)

VERSUS

BIVASH DAS AND ANR

RESPONDENT(S)

(WITH INTERIM RELIEF AND OFFICE REPORT)

Date : 08/03/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI

HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s)

Mr. Manish Goswami, Adv.

Mr. Rameshwar Prasad Goyal, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed  
order.

[VINOD LAKHINA]  
COURT MASTER

[ASHA SONI]  
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.501 OF 2017  
[Arising out of Special Leave Petition  
(Criminal) No.4912/2016]

TAPASI DAS

...APPELLANT

VERSUS

BIVASH DAS AND ANR.

...RESPONDENTS

ORDER

1. None appears for the respondents in spite of due service of notice.
2. We have heard the learned counsel for the petitioner
3. Leave granted.
4. The sole grievance raised in this appeal is that the High Court has reduced the amount of interim maintenance to be paid to the appellant from Rs.3,000/- per month to Rs.2,000/- per month without hearing the appellant who was impleaded as respondent No.2 in the proceedings before it.

5. We have considered the matter. On such consideration we take the view that the High Court was not justified in passing the impugned order and, that too, without hearing the appellant who was the respondent No.2 before it. Accordingly, we set aside the order of the High Court and restore the order passed by the learned Family Court granting interim maintenance to the appellant at the rate of Rs.3,000/- per month.

6. The appeal is disposed of in the above terms.

.....,J.  
(RANJAN GOGOI)

.....,J.  
(NAVIN SINHA)

NEW DELHI  
MARCH 08, 2017