

In the Court of Principal Judge, Family Court, Jehanabad.

Miscellaneous Case No. 97/2024

(Arising out of Maintenance Case No. 56/2018)

Khushbu Devi, W/o- Shakti Kishor Yadav, R/o Village- Ghoshi, P.S.- Ghoshi, District- Jehanabad.

.....**Petitioner.**

Vrs.

Shakti Kishor Yadav, S/o- Late Chandeshwar Ray, R/o Village- Ghoshi, P.S.- Ghoshi, District- Jehanabad.

.....**Respondent/O.P.**

ORDER

12.05.2026

Present: Both parties along with their Learned Counsels.

1. The present Miscellaneous Petition has been filed on behalf of the Decree Holder (Wife) for enforcement and recovery of maintenance arrears mounting to Rs.5,28,000/- (Rupees Five Lakh Twenty-Eight Thousand Only) accumulated up to April 2024, arising out of the final judgment passed by this Court on 04.04.2024 in Maintenance Case No. 56/2018 under Section 125 of the Cr.P.C., whereby the Decree Debtor (Husband) was directed to pay a monthly maintenance of Rs. 8,000/- per month from the date of filing of the application (20.09.2018).
2. Records show that the Decree Debtor appeared and filed his initial Rejoinder, acknowledging his status as the husband and asserting financial constraints, family dependencies, and litigious expenses. Subsequently, the Decree Debtor filed a Supplementary Rejoinder, wherein, he voluntarily extended an offer to pay an additional sum of Rs. 3,000/- per month specifically towards the liquidation of the outstanding arrears of Rs. 5,28,000/-, over and above the regular ongoing current monthly maintenance of Rs. 8,000/-.

The Decree Holder, via her rejoinder to the Supplementary Rejoinder, strongly objected to the timeline and structural format of the payment, praying instead for a lump-sum clearing of the arrears and contesting the adequacy of the proposed extension.

3. Heard both sides and perused the records.

4. It is an admitted position that a substantial arrear of Rs. 5,28,000/- has accrued against the Decree Debtor. While this Court takes note of the Decree Debtor's explicit willingness to clear the arrears sequentially by offering an additional monthly payment, the proposed amount of Rs. 3,000/- per month is deemed inadequate. Given the total volume of the debt and the financial security required by the Decree Holder, liquidating the balance at the rate of Rs. 3,000/- per month would stretch the recovery over an unreasonably prolonged period, defeating the very purpose of social justice underlying Section 125 Cr.P.C.

5. Keeping in view the equity of both sides, the regular employment of the Decree Debtor in a banking institution, and to balance the scales of justice, this Court deems it fit to allow the Petitioner's prayer with an upward modification of the liquidation terms offered by the Decree Debtor. It is admitted position that respondent / husband has to maintain his parent and expenses of children's education and other miscellaneous expenses.

Accordingly, it is ordered that the Decree Debtor shall strictly continue to pay the ongoing current maintenance of rs. 8,000/- (Rupees Eight Thousand Only) per month as per the original decree dated 04.04.2024, positively by the 15th day of every calendar month. To liquidate the outstanding arrears of Rs. 5,28,000/-, the Decree Debtor is directed to pay an additional sum of Rs. 5,000/- (Rupees Five Thousand Only) per month alongside the regular current maintenance.

6. Thus, the total monthly outflow from the Decree Debtor to the credit of the Decree Holder shall be **Rs. 13,000/- (Rupees Thirteen Thousand Only)** per month (**Rs. 8,000/- current + Rs. 5,000/- arrears**) effective from the next billing cycle, until the entire outstanding arrears amount of Rs. 5,28,000/- is fully cleared and dissolved. However if any cogent emergent condition will arise the petitioner wife may move for payment of arrear amount in future.

7. Any default in the payment of either the regular maintenance or the enhanced arrear installment will invite strict coercive execution measures as per law.
8. Miscellaneous Case No. 97/2024 stands disposed of accordingly.

(Dictated)

Satish Kumar Deo
12.05.24

Principal Judge,
Family Court, Jehanabad.