

Case Called out. Notice to Respondent duly served. Called out not present. Hence, placed exparte.

Heard the Learned Counsel for Petitioners on maintainability of the petition.

On perusal of the Petition averments, it is seen that Petitioner No.1 and 2 had preferred a petition U/Section 12 of DV Act, seeking reliefs Under Sections 18, 20 and 22 in Crl.Misc.No.9/2017 against Respondent and others. This Court by order dtd 11.02.2020 had partly allowed the petition and in respect of monetary relief sought Under Section 20 of DV Act, it was ordered against Respondent of this petition to pay interim maintenance of Rs.2000/- to Petitioner No.1 and Rs.3000/- to Petitioner No.2 and the present petition is filed seeking enforcement of the said order, since it is alleged that the said maintenance amount has remained unpaid till the filing of this petition.

The Procedure for enforcement of monitory relief granted under the provisions of DV Act is enforcible Under Section 125 of Cr.P.C as clearly provided under Rule 6(5) of DV Rules.

Proviso to Section 125(3) of Cr.P.C provides that the application seeking enforcement of the order has to be made within one year from the date when the maintenance becomes due.

Reverting back to the factual matrix of the present petition, though the petition under DV Act came to be partly allowed on 11.02.2020, the petitioners have not sought for enforcement of the same till filing of this petition. Petition averments goes on to show that the 1<sup>st</sup> Petitioner has been remarried and therefore she has restricted her claim till 27.02.2022 which is the date of her remarriage and the 2<sup>nd</sup> Petitioner is claiming maintenance from date of the petition in CrI.Misc.No.9/2017 till the date of filing of the present petition, which is for a period of 6 years 2 months. As stated supra, in view of the proviso to Section 125(3) of Cr.P.C. any application seeking enforcement of the order of maintenance is to be made within one year from the date when the maintenance becomes due.

It is clear that the petition has been filed seeking maintenance even for the period beyond one year. Since, Petitioner

No.1 has herself restricted the maintenance till 27.02.2022, her prayer in view of proviso to Section 125(3) of Cr.P.C is held to be not maintainable. In so far as prayer sought by Petitioner No.2 is concerned, his prayer is ordered to be restricted only for a period of one year prior to filing of the present petition (i.e., Rs.3000x12=36,000/-) in view of the ratio laid down by the Hon'ble High Court of Karnataka in **DHAREPPA V/s RENUKA** reported in **ILR 2000 KAR 5283**.

Accordingly, issue FLW in form No.19 for the amount of Rs.36,000/- against Respondent, if PF paid. R/by: 02.04.2024.

Sd/-  
Civil Judge and JMFC:  
Sringeri.