

Date: 23.08.2024

**ORDER ON APPLICATION FILED U/SEC 125(3) OF
CRPC**

The petitioner has filed this petition U/sec.125(3) of Crpc praying for awarding maintenance amount of Rs.2,67,000/-from respondent.

2.Award of Maintenance:-

The petitioner had filed petition for an application U/sec.125 of Crpc praying for awarding Maintenance amount of Rs.16,000/-per month from the date of the petition. Accordingly, a considered order dated 15/09/23 was passed by awarding Maintenance amount of Rs.6,000/-per month to petitioner by the respondent from the date of petition .

3. Application filed U/sec. 125(3) of CrPC

a) The petitioner had filed an application U/sec.125(3) of Crpc for recovery of unpaid arrears of Maintenance amounting to Rs.2,67,000/-standing in due for 44 months i.e., from February 2020 to October 2023.

b) Per contra, the respondent had not filed any objection to the application.

4. Points for consideration:-

Perused the records, Heard both sides, the following points arise for the consideration of this Court:-

1. Whether the respondent had defaulted in the payment of the monthly interim maintenance awarded by this Court, amounting to Rs.6,000/-per month from February 2020 ?

2. What Order?

5. The findings of this court are as under:-

Point No.1: In the **Affirmative**

Point No.2: As per the final order.

REASONS

6. AIR 2014 SC 2875, in **Bhuvan Mohan Singh V/s Meena**, the Hon'ble SC observed that:- "Section 125 was concerned to ameliorate the agony, anguish, financial of a woman who left her matrimonial home for the reasons provided in the

provision so that sustainable arrangements can be made by the court and she can sustain herself and her children. The concept of sustenance does not necessarily mean to lead the life of an animal, feel like an unperson to be thrown away from grace and roam for her basic maintenance some where else. She is entitled in law to lead a happy life in the similar manner has she could have lived in the house of husband.

7. Point No.1: This court already passed considered order in application u/s 125 of CrPC. As per the provisions contemplated in CrPC, the petitioner shall file the recovery petition within a period of one year. Furthermore, the respondent has not given proper and reasonable explanation with cogent reasons substantiating his cause for not paying the maintenance amount. Petitioner has filed recovery petition for default of Rs. 6,000/- since February 2020 as ordered by this court. Respondent remained absent. And there is no reasonable grounds made out that why the court should not take action against him. Hence, Point No.1 is answered in the **Affirmative**.

8. **Point No.2**: For the reasons discussed herein above, this Court is inclined to pass the following

ORDER

Acting U/sec. 421(1) (a) r/w Sec.431 of Crpc, Issue FLW against the respondent. For the levy of the arrears of maintenance amounting to Rs.2,67,000/-.

Issue reminder intimation to Tahasildar Chittapur to file a report with respect to creating charge over the property of respondent by name Kallanna @ Kalyan in criminal misc. No. 1213/2023.

Returnable by:

(Dictated to the stenographer, transcribed and computerized by her, corrected and initialed by me and then pronounced in open Court dated this 23rd day of August 2024.)

Sd/-
CJ. & JMFC. Sedam