

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE -III,
NEYYATTINKARA**

**Present: Sri. Albin J. Thomas,
Judicial First Class Magistrate - III**

Dated: Monday, 02nd February, 2026/ 11th Phalguna, 1947

CMP No. 7347/2025 in M.C. No. 167/2024

Petitioners	1. Anusha, Aged 13/24, D/o Aneesh.P.T, 379 (8/379), Paruthipulli Veedu, Edathara, Palakkad, Kerala, PIN 678611 2. Anilesh, Aged 11/24, D/o Aneesh.P.T, 379 (8/379), Paruthipulli Veedu, Edathara, Palakkad, Kerala, PIN 678611 Minors represented by their mother Preena.R, 379 (8/379), Paruthipulli Veedu, Edathara, Palakkad, Kerala, PIN 678611 Represented by Adv. S.Mohammed Afzal
Respondent	: Aneesh.P.T, Aged 37/24, S/o Thankappan, Paruthipully House, Kizhakkemuri, Edathara.P.O, Palakkad, Kerala, PIN 678611
Petition	: Filed to execute the order in MC 167/2024 dated 28.05.2025.
Sentence/ order	Petition is dismissed.

ORDER

1. This is a petition filed by the petitioner u/s. 144 of BNSS r/w Rule 6(5) Protection of Women from Domestic Violence Rules 2006.
2. Petition averments is as follows: The petitioner is the 1st petitioner in MC 167/2024 filed before this court. The petition was allowed as per mediation agreement on 28.05.2025. As per the mediation agreement, the respondent agreed to pay monthly maintenance of Rs.3,000/- each to 2nd and 3rd petitioners, who are children of 1st petitioner and respondent. However no amount was seen paid. Hence the petition.
3. Even though notice served on the respondent he did not appear before the court.

4. Heard the learned counsel for the petitioner and perused the records.
5. The point that arise for consideration is
 - (1) Whether the execution petition is to be allowed?
6. The petition is filed for arrears of maintenance. The original petition was allowed as per mediation agreement on 28.05.2025. As per the mediation agreement, the respondent agreed to pay monthly maintenance of Rs.3,000/- each to 2nd and 3rd petitioners, who are children of 1st petitioner and respondent. However no such amount is seen paid by the respondent so far.
7. The petition is filed seeking arrears of maintenance from June 2025 to September 2025. 1st proviso to section 144(3) of BNSS read as follows: "provided that no warrant shall be issued for the recovery of any amount due under the section unless application be made to the court to levy such amount with in a period of 1 year from the date on which it became due. The petitioner is entitled to claim arrears of maintenance within a period of 1 year from the date on which it became due. A reading of the above portion shows that the petitioner has to apply for arrears of maintenance within one month. In the present case the amount claimed by the petitioner is Rs.24,000/- from June 2025 to September 2025. Hence this petition is filed within the limitation period. If so the petition is only to be allowed.

In the result, the petition is allowed. Issue distress warrant to the respondent to realize Rs.24,000/-.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court, on this the 09th day of February, 2026).

Sd/-
Judicial First Class Magistrate - III,
Neyyattinkara

//True Copy//

**Judicial First Class Magistrate - III,
Neyyattinkara**