

MHAH170009642018

**ORDER BELOW EXH.23 IN CRI. M.A.NO.129/2018**(Passed on this 09<sup>th</sup> day of June, 2026)

The non-applicant has filed this application for striking out names of applicant no.2 and 3 from the original petition as they became major according to law. Say of applicant was called thereon.

**ARGUMENTS FROM THE NON-APPLICANT :-**

2) Ld. Adv. Smt. S. D. Warule for the non-applicant has submitted in accordance with contentions of the application. In short, she has submitted that, the applicant no.2 is born on 12/03/2002 and applicant no.3 is born on 06/10/2006. In year 2020 and in year 2024 the applicant no.2 and applicant no.3 respectively became major according to law. Therefore, they are not entitled to claim maintenance from the non-applicant. Therefore, their names from the original petition are required to be strike out. Hence, she prayed to allow the application.

**ARGUMENTS FROM THE APPLICANT :-**

3) Ld. Adv. Shri. N. F. Pathan for the non-applicant has submitted in accordance with contentions of say (Exh.31). In short, he has submitted that, the applicant admits contentions of the non-applicant in the application regarding age of the applicant no.2 and 3. The applicants no.2 and 3 became major. But, still being father, the non-applicant cannot shirk away his responsibilities towards the applicants no.2 and 3. The applicants are entitled to receive arrears of the maintenance amount from the non-applicant till they attained their age of majority. Therefore, the applicant no.2 and 3 are entitled

to recover the maintenance amount from the non-applicant till they attained their age of majority. Hence, he prayed that, names of applicant no.2 and 3 need not be strike out from original petition.

### REASONS

4) Perused the application, say (Exh.31), Order of Judicial Magistrate First Class, Court No.1, Rahata in Cri. M. A. No.78/2016 dated 25/09/2025 and record. Heard both sides. The original petition is filed under Section 125(3) of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.") for recovery of maintenance amount.

5) On 05/03/2026, for the first time, the non-applicant appeared in the proceeding in process of issuance of recovery warrant. Thereafter, the non-applicant has moved present application. Record shows that, the original petition was filed under Section 125 of the Cr.P.C. which was decided on 03/08/2009. Record further shows that, on 16/12/2020 and 05/10/2016, the applicants filed proceedings under Section 127 of the Cr.P.C. for enhancement of maintenance amount. Said proceeding were decided on 06/11/2012 and 25/09/2025 respectively. In Cri. M. A. No. 78/2026, as per Judgment dated 25/09/2025, the Judicial Magistrate First Class, Court No.1, Rahata has observed that, the applicant no.2 and 3 being major, their prayers for enhancement of maintenance amount cannot be considered and thereby enhancement of maintenance amount was ordered only in respect of applicant no.1.

6) Undisputedly, the applicant no.2 and 3 are children of applicant no.1 and non-applicant. As per Section 125 of the Cr.P.C.,

the minor children, if they are unable to maintain themselves, are entitled for maintenance. As per said provision, the major children are not entitled for maintenance. As per Section 3 of the Majority Act, 1875, a person is said to be a major when he completes his age of 18 years and not before. Admittedly, date of birth of the applicant no.2 and 3 is 12/03/2002 and 06/10/2006 respectively. Undisputedly, the applicant no.2 and applicant no.3 have attained their age of majority on 13/03/2020 and 07/10/2024 respectively.

7) In such situation, as per Section 125 of the Cr. P. C., the applicant no.2 and 3 are not entitled to claim maintenance from the date when they attained their age of majority. *Needless* to state that, the applicant no.2 and 3 are entitled to recover arrears of maintenance prior to attaining their age of majority, i.e. during the period of their age of minority, according to law. Hence, following Order is passed.

### ORDER

- i) The application (Exh.23) is partly allowed as per follows.
- ii) In view of Section 125 of the Cr. P. C., the applicant no.2 and 3 are not entitled to claim maintenance from the non-applicant from the date when they attained their age of majority.
- iii) *Needless* to state that, the applicant no.2 and 3 are entitled to claim arrears of maintenance during the period of their age of minority from the non-applicant according to law.
- iv) The application is disposed of accordingly.
- v) Both parties to take note of it.

Rahata  
Date :- 09/06/2026.

( P. S. Girgaonkar )  
Judicial Magistrate (F.C.)  
(Court No.3), Rahata

**CERTIFICATE**

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer	:	Khedkar A. R (Stenographer Grade III)
Court	:	Judicial Magistrate F.C., (Court No.3) Rahata.
Date of order	:	09/06/2026
Signed by the Presiding Officer on	:	09/06/2026
Order Uploaded on	:	09/06/2026