



Order below Exh.68 in PWDVA Execution No.300140/2014

1. This application is filed by non applicant to dispose the matter on the ground that as per the original application he has paid amount of RS 1,26,00 to the applicant. Therefore, now non applicant is not liable to pay any amount to the applicant. There is no recovery matter claiming the recovery of arrears of amount no any application filed in matter for due amount in the application . The applicant cannot claim maintenance more than 12 months period and she has not filed any other matter for recovery of the amount she was required to file it each year which she has not done and he has paid the amount due in these matter so application be disposed.
2. The applicant filed her say and objected the application on ground that she has filed application time to time claiming the due amount in these matter itself and the non applicant was paying it and till today he has not taken such objection so application be rejected.
3. It is the contention of the NA that the applicant cannot claim maintenance more than 12 months period and she has not filed any other matter for recovery of the amount she was required to file it each year which she has not done and he has paid the amount due in these matter so application be dismissed. The ld advocate of applicant has relied upon case law of **Shanta alias Ushadevi and another vs B. G. Shivananjappa** AIR 2005 SC 2410 wherein the Honble Apex Court held that Subsequent application filed in same proceedings claiming arrears for subsequent period is not fresh application and not barred by

limitation. 2. **Poongodi vs Thangavel AIR 2014 Supreme Court 24** held, it was not found that Section 125(3) of Cr.P.C. create bar or in any way effect entitlement of claimant to arrears of maintenance- application dated 05-02-2002 filed by appellants under section 125(3) of Cr.P.C. was in continuation of earlier application and for subsequent periods of default on part of respondent. Therefore, first proviso to section 125(3) of Cr.P.C did not extinguish or limit entitlement of appellants to maintenance granted by the Trial Court. Hence order of High Court was set aside and it was directed to respondent to pay entire arrears of maintenance due to appellants commencing from date of filing of maintenance petition and current maintenance and thereafter continue to pay monthly maintenance appeal allowed. Ratio Decidenti: Provision of statutes shall not extinguish or limit entitlement of claimants to maintenance granted by lower court.

4. Perused the record from it is clear that the applicant time to time have claimed due amount for period after the application by way of Exh.27, 29 etc. Therefore the contention of the non-applicant that the applicant for claiming the recovery of arrears of amount no any application filed in court and not pending matter and she cannot claim any amount further is having no force. The case law cited supra by the applicant the Hon'ble Apex court are considered in view of the citations of Hon'ble High court it can be inferred Once an execution petition for maintenance arrears is filed within the time limit, subsequent accumulated arrears can be pursued under that same active proceeding without needing fresh separate applications for every single period, supporting the social welfare intent of the law. From record it appears Substantial amount of more than 3 lakhs is due from the non applicant so there is amount due against the non applicant hence application cannot be disposed. Hence application deserves to be rejected. Resultantly

following order is passed.

ORDER

Application is rejected.

Dated :- 05/08/2026

(Smt. S.H. Panhale)
Judicial Magistrate First Class
Court No.05, Aurangabad.