

MHKO070010352021



Order below Exh.30. in

CRI.M.A.No.167/2021

Surekha Tanaji Naik

Vs

Tanaji Balaso Naik

The present application is filed by the non-applicant seeking release of the vehicle bearing Registration No. MH-09-DX-2896, which has been attached in execution of the recovery warrant, and for permission to deposit an amount of Rs.15,000/- towards maintenance. The applicant has filed her say and prayed for rejection of the application.

2] Perused the record. Perused the documents filed at Exh.32 and Exh.34 by the non-applicant.

3] The record reveals that the non-applicant has paid only Rs.5,000/- (Exh.15), and an amount of Rs.1,75,000/- and Rs.51,000/- remains unpaid. Therefore, a recovery warrant came to be issued in the present matter.

4] After perusing the report at Exh.34/1, it appears that the vehicle bearing Registration No. MH-09-DX-2896 has been attached by Hupari Police Station. It further appears that, till date, the police have not taken any further steps for the sale of the said vehicle, and the vehicle is still lying in the police station. The report of attachment is on record at Exh.34/1.

5] Today, the non-applicant has expressed readiness to deposit only Rs.15,000/- out of the pending maintenance arrears. However, the record shows that the non-applicant has consistently defaulted in making payments as per the compromise arrived at in Cri. M.A. No.15/2019. The applicant is a woman having no independent source of income and has so far received only Rs.5,000/- (Exh.15), despite the compromise order being enforceable for a considerable period.

6] It is pertinent to mention that the object of attaching the vehicle is to secure payment of maintenance to the woman. At the same time, it also needs consideration that for a common man, it may be difficult to arrange such a substantial amount within a day or two. Therefore, some reasonable time deserves to be granted to the non-applicant.

7] The learned Advocate for the non-applicant submitted that the livelihood of the non-applicant depends upon the said vehicle. Therefore, considering the financial condition expressed by the non-applicant and balancing the same with the applicant's right to receive maintenance, the non-applicant deserves limited indulgence.

8] After deducting today's amount of Rs.15,000/-, which the non-applicant has undertaken to deposit, an amount of Rs.2,11,000/- still remains pending. Hence, the

said amount shall be deposited in four equal installments of Rs.52,750/- each ($\text{Rs.52,750/-} \times 4 = \text{Rs.2,11,000/-}$).

9] The first installment shall be deposited within 15 days from today, i.e. on or before 13-02-2026. The subsequent installments shall be deposited on or before 27-02-2026, 13-03-2026, and 27-03-2026, respectively.

10] Upon deposit of the first installment, a letter for release of the attached vehicle shall be issued to the concerned police station. If the non-applicant fails to deposit the first installment as prescribed above, this order shall stand automatically vacated. Further, if the non-applicant fails to deposit any of the subsequent installments, the applicant shall be at liberty to attach the vehicle, in accordance with law. Accordingly, I pass the following order-

O R D E R

1. Application is partly allowed.
2. The applicant shall accept the amount of Rs.15,000/-. The non-applicant has deposited/paid an amount of Rs.15,000/- today.
3. The non-applicant is directed to deposit the arrears of maintenance amounting to Rs.2,11,000/- in four equal installments of Rs.52,750/- each, as per the

schedule mentioned above.

4. Upon deposit of the first installment, a letter for release of the attached vehicle bearing Registration No. MH-09-DX-2896 shall be issued to the concerned police station.
5. If the non-applicant fails to deposit the first installment within the stipulated time, this order shall stand automatically vacated.
6. If the non-applicant fails to deposit any of the subsequent installments, the applicant shall be at liberty to seek attachment of the vehicle again, in accordance with law.
7. The intimation of this order shall be given to the concerned police station, also through email.

Jaysingpur.

(M. S. Patil)

Date: 31/01/2026

Judicial Magistrate First Class

Court no.02, Jaysingpur