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| MHKO140007632021<br> | <b>Criminal M.A.No.132/2021</b><br><b>Sheetal Vasant Sawant</b><br><b>Vs.</b><br><b>Vasant Hanamant Sawant</b> |
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**ORDER BELOW EXHIBIT- 37****[Passed on: 01.04.2025]**

1. This is an application filed by Respondent for dismissal of the present execution petition on the ground that, it is fully satisfied.
2. The Respondent submitted that, the Applicant has filed present Civil Misc. Application no.132/2021 for the recovery of maintenance amount of Rs.55,998/- as per section 128 of the Code of Criminal Procedure. The Respondent has paid to the Petitioner sum of Rs.56,800/- till 14/11/2024. Therefore, the claimed amount of Rs.55,998/- is paid by the Respondent and therefore it is fully satisfied. The Applicant has not made any specific plea or prayer as to the payment of maintenance amount during the pendency of the present Civil Misc. Application. Therefore, Applicant has no right and she is not entitle to claim the payment of the amount of maintenance from the Respondent, during pendency of the present matter. It is submitted that, the present matter needs to be dismissed on the ground that it is fully satisfied and the amount claimed by the Applicant is paid by the Respondent. Hence, present application.

3. The learned advocate for Applicant filed say and raised strong objection. It is submitted that, the present application is not tenable. The Applicant has filed an application at Exh.19 and at Exh.33 and thereby prayed for the recovery of Rs.75,762/- and Rs.39,528/-. Those applications are pending and therefore present matter cannot be dismissed. Because the payment of maintenance amount is continuous liability. It is submitted to reject the present application.
4. Perused the record. Heard learned advocate for both side. It is seen from the record that the Applicant has filed present Civil Misc. Application for recovery of maintenance amount of Rs.55,998/- as per section 128 of the Criminal Procedure Code. There is no dispute that the said amount is paid by the Respondent to the Applicant. Now the Respondent has prayed that the execution is fully satisfied and therefore the matters needs to disposed off.
5. It is settled principle of law that the payment of maintenance under section 125 of the Criminal Procedure Code is continuous liability. It is seen that, in Criminal Misc. Application no.70/2007, the Respondent is directed to pay Rs.1000/- per month towards maintenance of Applicant. There is no time limit is mentioned for the payment of such/said payment. It is directed that the Respondent shall pay Rs.1000/- rupees from the date of application, to the Applicants. It is true that the amount has mentioned in the main application is paid by the Respondent. But meanwhile the Applicant has filed an application at Exh.19 for addition of maintenance of

Rs.75,762/-and at Exh.33 for addition of Rs.39,528/- and thereby prayed to issue recovery warrants. It is seen that the Applicant has prayed for the recovery of said amount during pendency of the present matter. Since the payment of maintenance amount is continuous liability, the Respondents has to pay the maintenance amount per month as per direction of the Court. Since the Applicant has prayed for recovery of maintenance amount at Exh.19 and 33, the matter cannot be disposed off on the ground that it is fully satisfied. Accordingly, I pass following order.

**ORDER**

1. The application at Exh.37 is rejected.

Date: 01/04/2025.

**[Waman D. Jadhav]**

Joint Civil Judge Junior Division, Chandgad.