


MHLA150001442024 	<u>ORDER BELOW EXH.21.</u>
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1. This application is filed by the applicant to struck off the defence of non applicant due to non payment of interim maintenance.

2. It is submitted by applicant that, non applicant is intentionally and knowingly not paying the interim amount of maintenance to the applicant. Non applicant was required to deposit arrears of maintenance amount, but he is avoiding to pay it. In view of judgment of Hon'ble Supreme court, in Rajesh Vs.. Neha and judgment of Hon'ble Kerale High Court in Netthu Vs. Trijo Joseph, the defence of non applicant is required to be struck of. Hence this application is filed. Non applicant failed to file his say, hence no say order is passed on this application.

3. On perusal of proceeding it appears that, non applicant appeared as per exh.7. But, no proceeded with the application. Hence, applicant proceeded with the interim application for maintenance at exh.11. The said application is allowed and non applicant was directed to pay Rs.1,000/- maintenance to the applicant on dated 15.02.2025. Till date non applicant has not appeared and proceeded with the

application. Therefore, taking into consideration the conduct of non applicant, this application deserves to be allowed, but one month period is required to be granted to given an opportunity to deposit the interim maintenance. Hence, following order is passed.

ORDER

1. Non applicant is directed to deposit the interim maintenance amount as per order below exh.11.
2. If non applicant fails to pay the interim maintenance amount within 1 month, then the defence of non applicant is struck off.

Date : 02.06.2026.

(V.S. Waghmode)
Judicial Magistrate F.C. Chakur