

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
44TH COURT, ANDHERI, MUMBAI.

C.C.No.255/DV/2022

Pratima Rai ... Applicant

V/s

K. Ashok Kumar Rai and Ors., ... Respondents

ORDER PASSED ON THE APPLICATION DATED 15/10/2025 FOR
ISSUANCE OF DISTRESS WARRANT FOR RECOVERY OF THE
ARREARS OF MAINTENANCE ALLOWANCE

(Passed on 13/03/2026)

The applicant who had filed the petition under Section 12 of the Domestic Violence Act, has moved this application for issuance of distress warrant against the respondent for recovery of the due maintenance amount of Rs.10,25,000/- on the ground that she is in need of maintenance allowance and the respondent did not deposit any amount since the date of passing the orders.

2. The respondent opposed the application on the ground that this application came to be filed with malafide intention and the applicant is receiving Rs.75,000/- per month from him. According to him, the applicant is also receiving monthly rental income of Rs.45,000/- from a property in Bangalore and therefore, this application is not tenable. However, the respondent prayed to grant his reasonable time to clear the balance amount.

3. Since the date of filing the reply, the learned advocate for the respondent did not appear. Hence, considering the urgency shown by the applicant, this application needs to be decided on merit.

4 It is admitted position that this Court allowed the application for interim maintenance allowance filed by the applicant on

13/06/2025 and thereby directed the respondent to pay sum of Rs.1,00,000/- per month to the applicant from the date of filing the application. The record shows that there is no stay granted by higher Court in this matter. Though the respondent has submitted that he has been paying the amount of Rs.75,000/- per month and the applicant is getting monthly rental income of Rs.45,000/-, yet the respondent did not file any relevant document to support his claim. Hence, having regard to the bonafide reason given by the applicant for recovery of the maintenance amount, I proceed to pass the following order under section 28 (2) of Protection of Women from Domestic Violence Act, 2005:-

ORDER

- 1 Issue distress warrant for recovery of the due maintenance amount of Rs.10,25,000/- (Rupees Ten Lakh Twenty Five Thousand Only) against the respondent .
- 2 The Protection Officer shall ensure the execution of the distress warrant.

Sd/-

(Sujitkumar C. Tayde)
Judicial Magistrate First Class,
44th Court, Andheri, Mumbai.

Date :- 13/03/2026