

Cri.Misc. Application No.318/2012
Order below Exh.46

1. Heard Id. Adv. Shri. Bhaibhang for non-applicant at length. He submitted that matter was posted on 07/04/2018 for awaiting report of D.W. However, today, adv. Shri. Bhaibhang for non-applicant appeared before Court and filed present application for cancellation of Distress-warrant. He submitted that non-applicant is ready to deposit Rs.2,500/- towards the maintenance. Hence, prayed for cancellation of DW and seeking further extension of time to deposit remaining arrears.

2. Ld.adv. Shri. Aher for applicant present before Court. He filed his detail say on Exh.46. He submitted that the conduct of non-applicant is that he is only paid money in execution of distress-warrant. He is Government servant and it is the duty of non-applicant to obey the order of Court and pay due arrears towards maintenance as per order of this Court. He also invited my attention towards that the show-cause notice is also issued to concern police station hence, non-applicant with malice intention appeared before Court today and trying to stay or cancel previous order of this Court. It is not permissible by law at all. He also submitted that more than Rs.28,700/- pending towards non-applicant hence, prayed for rejection of application.

3. I perused the record, it appears that as per submission of Id. Adv. Shri. Aher more than Rs.28,700/- pending towards maintenance. It is also not case of non-applicant that Rs.28,700/- is not pending towards maintenance hence, considering the nature of proceeding if non-applicant paid 50% amount on or before 07/04/2018 then further orders will be passed. At this stage, I do not find any merit in the contention of non-applicant to stay or cancel distress-warrant. Hence, as submitted by Adv. Shri. Bhaibhang

that he is ready deposit Rs.2500/- towards maintenance today, hence, I pass following order,

- **ORDER** -

1. Asstt.Supdt., Yeola, Is hereby directed to accept Rs.2,500/- towards maintenance.
2. If, non-applicant paid total Rs.13,000/- on or before 07/04/2018, then further order will be passed. Hence, application disposed of accordingly.,

21/03/2018

(**N.N. Chintamani**)
Judicial Magistrate, F.C., Yeola.