


MHPU090013202024 	PWDVA Execution/8/2024 Mrs. Bindu R Thakkar Vs. Rajesh Ramji Thakkar
---	---

COMMON ORDER PASSED BELOW EXH. NO. 1

(Passed on 01/03/2025)

The applicant has moved the Court for issuing NBW against the non-applicant namely Rajesh Ramji Thakkar on the ground that, the NA settled the matter before this Court and issued cheques to pay the partial outstanding amount of Rs.14,00,000/- on 15.02.2025. But the cheques dated 15.02.2025 of Rs.2,00,000/- and 18.02.2025 of Rs.3,00,000/- are in cashed but the cheque dated 28.02.2025 of Rs.9,00,000/- is dishonored and thereby the non-applicant applicant has breached undertaking and the NBW for recovery of partial maintenance amount of Rs.9,00,000/- be issued against the non-applicant.

02. Whereas the non-applicant Ld. Advocate Shri. P. N. Chorghade filed say and submitted that, due to financial difficulty he couldn't pay the said amount as well as he is of 60 years old. He, till date, paid amount of Rs.10,50,000/- to the non-applicant. Further, Ld. Advocate Shri.Chorghade also filed an application disputing the alleged recovery amount of Rs.9,00,000/- and as per his calculations the amount of Rs.7,05,020/- is outstanding against him and he is ready to give cheques to the applicant of said amount i.e. Rs.7,05,020/-. The Ld. Advocate Shri. N. K. Sharma has filed the say and submitted that, the NA intentionally dishonored the cheque of Rs.9,00,000/- and now disputing the amount of Rs.9,00,000/- by submitted that he is liable to pay the amount which is contrary to his

Handwritten signature and date: 15/03/25

undertaking given on last date. Hence, no option is left but to issue NBW against the non-applicant.

03. I have heard Ld. Advocate Shri. Chorghade and Shri. Sharma representing the non-applicant and applicant, respectively. Perused the record. On last date on the basis of undertaking of the non-applicant the NBW issued against him was cancelled and the non-applicant gave the aforesaid cheques and those were accepted by the applicant. The Court has recorded while deciding the said undertaking and cancelling the NBW that the non-applicant applicant to see that the cheques given shall be honoured. Now, the cheque given of Rs.9,00,000/- is dishonored despite of said undertaking as well as the non-applicant now disputing the calculations by submitting that only Rs.7,05,020/- are outstanding against him as per his calculations. It is not in dispute that in the present matter the order pass by this Court is pending before the Hon'ble Session Courts, Pune by way of appeal wherein also the non-applicant has disputed the order of granting maintenance. The appeal before the Hon'ble Session Courts, Pune is pending and till date the order passed by this Court is not stayed by the Hon'ble Session Court. This fact is not also disputed by both sides. Despite of no any stay to the order of this Court by the Hon'ble Sessions Court, Pune the non-applicant is making the calculation as per his own assumptions and depriving the maintenance granted by this Court as well as the non applicant has breached the under taking given before this Court. The conduct of the non applicant shows that he wanted any how the applicant deprived of her legally entitled maintenance amount granted by this Court. Further, by considering the fact that cheque of Rs.9,00,000/- is dishonored and the applicant is not receiving the cheques presented before the Court by the non-

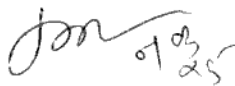
Tom
8/25/25

applicant, the non-applicant has failed to show any sufficient cause for non payment of maintenance amount granted by this Court, as well as considering the conduct of the non-applicant of breaching the self undertaking, the interest of justice would be served by issuing NBW against the non-applicant so as to protect the right of maintenance granted by this Court and order as follows -

ORDER

Issue NBW for recovery of Rs.9,00,000/- i.e. the partial maintenance amount from the non-applicant.

Pimpri.
Dated: 01/03/2025.


(M. G. More)
Jt.J.M.F.C., Pimpri, Pune.