


MHPU090013202024 	PWDVA Execution/8/2024 Mrs. Bindu R Thakkar Vs. Rajesh Ramji Thakkar
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ORDER PASSED BELOW EXH. NO. 1

(Passed on 11/06/2025)

ORDER

Non-applicant to say.

Pimpri, Pune
Date : 11.06.2025

Bindu
11/6/2025
(G. G. Auti)
J.M.F.C. Court No.6
Pimpri, Pune.

ORDER BELOW EXH.01

(Passed on 11/06/2025)

ORDER

Despite giving sufficient opportunity, non-applicant has failed to file his say on this application. Hence, application is proceeded without say of applicant.

Pimpri, Pune
Date : 11.06.2025

Bindu
11/6/2025
(G. G. Auti)
J.M.F.C. Court No.6
Pimpri, Pune.

ORDER BELOW EXH.01

(Passed on 11/06/2025)

Perused the application. No say filed by non-applicant till 5.30 pm. Non-applicant absent for filing say on this application. Before filing this application both parties and their Ld. Advocates are present before this Court. Ld. Advocate for applicant argued as per his application. He submitted that, total due amount from the amount claimed in execution petition is of Rs.17,95,020/-. Thereafter, non-applicant has paid Rs.12,80,020/- after filing of execution petition. Now, Rs.5,15,000/- amount is pending against him as not clearing the arrears of maintenance. Non-applicant has given undertaking before this Court that, he will pay total of Rs.14,00,000/- to the applicant by giving three cheques. These cheques will not be dishonored. In this circumstances, this Court has accepted his undertaking and cancelled non bailable warrant which was issued against him. However, cheques issued by him were dishonored and again the applicant got cheated by non-applicant. Non-applicant illegally got success in getting stay on NBW order. Again he resorted to delay tactics and did not make any payment till today towards due maintenance amount. Now, non-applicant is raised question in respect of payment of maintenance amount. Therefore, non bailable warrant be issued against him as prayed. Moreover, contempt proceeding kindly be initiated against non-applicant.

02. Non-applicant has failed to file his say and failed to argue on said application. Prior to this application, non-applicant is present before this Court. Ld. Advocate for non-applicant submitted that, today new VP has been filed on behalf of non-applicant. Therefore, he required one week time. Ld. Advocate for non-applicant prayed that,

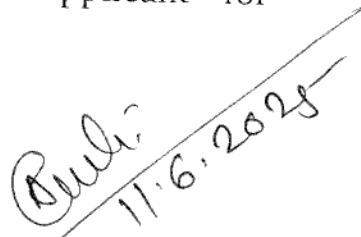
she will going to file details in respect to payment of maintenance on next date.

03. Perused the application. Heard. This is an application filed for execution of maintenance amount against non-applicant. No doubt, it is moral responsibility of non-applicant that, he shall pay maintenance amount to applicant as per order of this Court. Ld. Advocate for non-applicant submitted that, non-applicant has already paid due amount to the applicant. I have perused record, it reveals that, non-applicant has filed the application for cancellation of NBW and given undertaking that he will pay maintenance amount of Rs.14,00,000/- through cheques. My Ld. Predecessor has cancelled NBW issued against non-applicant subject to condition that, cheques given by non-applicant shall not be dishonored. In this case cheques which were given by non-applicant are dishonored. Therefore, it clearly reveals that, non-applicant has intentionally avoiding to pay remaining maintenance amount to applicant. He has show his readiness to pay due maintenance amount to applicant. But he failed to show his willingness to pay maintenance to applicant. Therefore, it is necessary to issue nonailable warrant against non-applicant for recovery of due maintenance amount. Hence, following order;

ORDER

Issue nonailable warrant against non-applicant for recovery of maintenance amount pending against him

Pimpri, Pune
Date : 11.06.2025


(G. G. Auti)
J.M.F.C. Court No.6
Pimpri, Pune.