


MHPU090002662024 	PWDVA Appln. No. 8/2024 Shalini Sudhakar Thorat Vs. Vijaykumar Sudhakar Thorat
---	---

**ORDER ON APPLICATION FILED BY THE RESPONDENT FOR
CANCELLATION OF DISTRESS WARRANT ISSUED AGAINST HIM**

(Passed on 20/09/2025)

Perused the application and say. Perused record. Heard both sides.

02. The respondent has filed this application for cancellation of distress warrant which was issued against him on 16.06.2025. Ld. Advocate for the respondent submitted that, the applicant in his execution petition has not stated in the prayer clause the exact amount of recovery of maintenance till 19.03.2024 as the execution proceeding has filed on 19.03.2024. It is admitted that, the total dues as per the claim of the applicant from 16.10.2016 to 19.03.2024 is of Rs.15,55,020/-. He has paid Rs.17,70,000/- to the applicant till today. As per judgment, the total calculation is of pending amount is of Rs.18,15,000/- and the respondent has paid Rs.17,70,000/- to the applicant. Thus, as on today Rs.45,000/- is the only pending amount towards interim maintenance against him. On 23.06.2025 respondent has paid Rs.45,000/- to the applicant towards maintenance. Hence, there is no arrears of maintenance is pending against him as on today. In such circumstances, it is just and proper to cancel the order of issuance of distress warrant against him. Also, he prayed that, order of non bailable warrant which was issued against respondent on 16.06.2025 may kindly be stayed.

03. Ld. Advocate for the applicant submitted that, total due amount from the amount claimed in execution petition is of Rs.15,55,020/-. The applicant in para No.9 of Exh.1 clearly stated that, amount of Rs.4,44,980/- is paid to her by respondent towards arrears of interim maintenance and out of total due till 10.10.2023, is of Rs.4,95,020/- and the applicant has stated other details of due amount is of Rs.15,55,020/-.

04. Now, Rs.5,15,000/- amount is pending against the respondent towards maintenance. However, the respondent is intentionally did not calculate the arrears of rent payment as per order below Exh.5, whereas respondent was directed to pay Rs.5,000/- per month towards rent from November 2016. He has made false statement in his application that, he is in arrears of Rs.45,000/-. Whereas he did not add the amount of Rs.4,95,020/- towards interim maintenance as per order below Exh.5. Moreover, respondent has filed his list of calculation of amount which was paid to the applicant from 03.01.2017 to March 2023 and made false entries in it. Respondent has mentioned entries at serial number 27 and 29 in his list which are in respect of same **cheques No. 433541** and trying to shown that he has paid Rs.15,000/- in twice as per entry No.27 and 29. Respondent in his application stated that, the applicant has not mentioned total arrears in her warrant application. Whereas, the applicant in para No.8 in her application given all the details of total due amount of Rs.5,15,000/- which is pending against him.

05. Perused record. Heard both sides. It appears that, the applicant claimed that, amount of Rs.5,15,000/- is pending against respondent towards maintenance according to prayer clause in para No.11(a) of her application. On the contrary the respondent stated

that, he has made entries of amount of maintenance which was paid to the applicant. There is no any pending dues against him.

06. Both parties are filed their list of calculation of due maintenance amount. Both parties are disputing on the due amount of maintenance. Therefore, it is necessary to call bank statement of both parties to ascertain truth in respect of due amount which is pending against respondent. Therefore, both parties are hereby directed to file their bank statements of their accounts which showing that whether respondent has paid due amount to the applicant as per their calculation list on or before next date. Thereafter, further order will be pass.

Pimpri, Pune
Date : 20.09.2025

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

CERTIFICATE

I affirm that the contents of this PD.F. file Order are the same, word to word, as per the original Order.

Name of the Stenographer	:-	M. S. Zade [Steno III]
Name of the Court	:-	G G Auti Jt. J.M.F.C., Pimpri Pune.
Date	:-	20.09.2025
Order signed by the Presiding Officer on	:-	20.09.2025
Order uploaded on	:-	20.09.2025