

Cri. M.A. No. 209/2019
CNR No. MH-PU-09-001581-2019
Tessina Xavier..Vrs. Ansul Thomas and others

Order below Exh. 85 in Cri. M. A. No. 209/2019
(Delivered on 19th Day of October , 2024)

In an application filed under the Protection of Women from Domestic Violence Act, 2005 (for short 'the DV Act'), the applicant by way of this application prayed to issue direction to the employer of respondent No. 1 to attach his salary for arrears of interim maintenance amount of Rs. 9,10,000/-

2. The applicant contended that her application (Exh. 5) for interim maintenance came to allowed on 03.01.2022. As per said order the respondent No. 1 is directed to pay Rs. 20,000/- per month to the applicant No. 2 from the date of order. It is further submitted that, huge and considerable interim maintenance amount i.e. Rs. 9,10,000/- is due against the respondent. The respondent is willfully avoiding to obey the order of this court. Hence, in order to maintain themselves the applicant is dire need of maintenance amount. Hence, she prayed to allow the application.

3. The respondent failed to file his say. Hence, present application is proceeded without say of the non-applicant.

4. Heard applicant at length. Perused record of the case. Record shows that vide order passed below Exh. 5 dated 03.02.2022 this court is directed to respondent No. 1 to pay Rs. 20,000/- per month towards interim maintenance to the applicant No. 2. There is no any stay to the order dated

03.01.2022 passed below Exh. 5 by this court. The conduct of the respondent shows that he is willfully avoiding payment of interim maintenance to the applicants. Therefore, the applicants have only received justice on paper as the non-applicant has deposited only a miger amount towards the compliance of the interim order. Therefore, the real effect to the order dated 03.01.2022 is required to be given to subserve the purpose of the order passed below Exh. 5.

5. The respondent No. 1 is working with TCS At Kochi and his employee code 882468 and employed as Project Manager, Office Address : TATA Consultancy Ltd. Unit II TCS Centre Black A, Ground to 13th Floor and Block B, ground floor Kochi – TCS Center Unit – SEZ Kochi, Kerala Email – anshal.thomas@tcs.com. Therefore, it would be appropriate to attach his salary to the amount of Rs. 40,000/- per month till the recovery of arrears of Rs. 9,10,000/-. In result following order is passed.

Order

1. The application is allowed.
2. The H.R. Of TATA Consultancy Ltd. Unit II TCS Centre Black A, Ground to 13th Floor and Block B, ground floor Kochi – TCS Center Unit – SEZ Kochi, Kerala under whom respondent No. 1 is employed is hereby directed to deduct Rs. 40,000/- per month from the salary of respondent No. 1(employee code 882468) and deposit the same in the court on or before 10th of every month till further order without fail.

Pimpri, Pune
Dated : 19.10.2024

(AL Amoodi A. K.)
Judicial Magistrate First Class,
Pimpri, Pune.

CERTIFICATE

“ I affirm that the contents of this P. D.F file Judgment / Order are same word for word as per original Judgment.

Name of Steno : Smt. K. U. Pawar
Court Name : AL Amoodi A. K.
Judicial Magistrate First Class,
Pimpri, Pune.

Date : 19.10.2024

Judgment/Order signed by
presiding officer on : 19.10.2024

Judgment /Order upload Date :19.10.2024