

**ORDER PASSED BELOW EXH.25**  
(Passed on 13 Novemeber, 2025)

1] The present application filed by applicant for recovery of maintenance amount of Rs.5,80,000/- by attachment of immovable property of opponent.

2] It is contention of applicant that the amount of Rs. 5,80,000/- is not recovered. Opponent failed to give say.

3] Heard. Learned advocate for applicant. He submitted that, opponent failed to pay maintenance amount. Hence, prayed to recover the amount by attachment of property.

4] Perused record of the case. It appears that present application filed for recovery of arrears of maintenance which is ordered in Criminal M.A. No. 136/2010, vide judgment dated 13.10.2021. On perusing copy of said judgment filed along with exh. 3, it appears that the opponent ordered there by that to pay maintenance/potagi of Rs. 2,000/- to applicant no. 1 and Rs. 2,000/- to applicant no. 2.

5] The said application filed under sec. 125 of the Code Of Criminal Procedure, 1973(in short 'Cr.p.c'). Vide sec. 125(3) of said section if any person so ordered fails without sufficient cause to comply with the order, then any such magistrate may, for every breach of the order, issue a warrant for levying the amount due in the manner provided for levying fines. The provision in respect of levying fines is laid down u/s. 421 of Cr.p.c. Vide sec. 421 the fine that is the maintenance in the present case can be recovered by issue a warrant to the collector of the district, authorizing him to realise the amount as arrears of land revenue from the movable or immovable property, or both, of the defaulter that is opponent in the present case.

6] On perusing copy of Village Form no. 8 filed along with exh. 26, it appears that the House Property bearing no. 50 is owned by opponent Kantilal Laxman Tengale & one Reshma Kantilal Tengale. It is to

be noted here that only share of opponent Kantilal Laxman Tengale is to be taken for realise the amount.

7] Vide section 128 of Cr.p.c order may be enforced by any magistrate in any place where the person against whom it is made may be on satisfaction as to the identity of the parties and the non payment of the allowance, or as the case may be expenses due.

8] In the case in hand, it appears that opponent failed without sufficient cause to comply with the order. It also appears that the opponent resided in Dhombalwadi, Tal- Phaltan, Dist- Satara. He failed to pay the allowance as ordered as mentioned hereinbefore. Hence, considering above reason I proceed to pass following order.

**ORDER:-**

1. Issue a warrant to the collector of the Satara District vide sec. 421(b) of Cr.p.c. to realise the amount as arrears of land revenue from the movable or immovable property, or both, of the opponent.
2. It is to be noted here that only share of opponent Kantilal Laxman Tengale is to be taken for realise the amount.

Date- 13.11.2025  
place- Saswad.

**(R.A.Sawant)**  
Judicial Magistrate First Class,  
Saswad.