

ORDER BELOW EXHIBIT 26 IN Cr. M.A. No. 33/2024

1. The applicant has filed an application below Exhibit 26 for issuing Distress Warrant of Rs.1,11,000/- against the opponent on account of the breach of maintenance order passed in Cr. M.A. No. 104/2020. The maintenance amount of Rs. 2,51,000/- was left to be paid. However he has paid Rs. 1,40,000/- only.
2. Despite opportunity, the non-applicant did not file his say.
3. Perused the record.
4. The maintenance amount of Rs. 2,51,000/- was left to be paid. However he has paid Rs. 1,40,000/- only.
5. Thus in total maintenance of Rs. 1,11,000/- is outstanding.
6. There is nothing to refute the contention of the applicant about the payment of maintenance or recovery on the part of opponent. Sufficient opportunity was given to the opponent. But he failed to show his bonafide to pay the same.
7. At this juncture, it is pertinent to note that, opponent has not paid arrears of maintenance amount even though he had the knowledge of same. So also the opponent is well aware about the proceedings of this court. He could have made arrangement for payment of said amount. Obviously, non payment of the maintenance is causing grave hardship to the applicants. Hence, it is just and proper to issue distress warrant against the opponent. In the backdrop of such antecedents, coupled with law laid down in **Sagar Sudhakar Shendge V/s. Mrs. Naina**

Sagar Shendge & Ors. (2013(2) Bom CR (Cri)614) in order to enforce the said interim order and/or to recover the arrears of unpaid maintenance granted in the present matter, recourse U/s. 125(3) of the CrPC becomes imperative. Therefore, I proceed to pass the following order.

: ORDER :

Issue Distress Warrant of Rs.1,11,000/- against the opponent.

Place : Uran.
Date : 20.05.2026

Sd/-
(Ms. G.K.R. Tandon)
Jt JMFC Uran