

ORDER BELOW EXH.01
IN REVISION APPLICATION NO.107/2024
(SHAYANI PANIGRAHI -V/S- ABHINASH MOHAPATRA)
(PASSED ON 10th DAY OF FEBRUARY, 2026)
CNR No. MHRG17-002303-2024

By this application the petitioner has prayed for striking of defence of respondent.

2. Ld. Advocate Mr. Panigrahi for the applicant has submitted that in view of the judgment of Hon'ble Supreme Court in the case of Rajnish Vs. Neha in Manu/SC/833/2022, the remedy of striking of the defence is available. According to him, the respondent is deliberately avoided to pay the amount of maintenance as per the order passed by the Ld. J.M.F.C. and therefore it is necessary to strike of the defence.

3. Upon receipt to application the Court had called upon the respondent, to submit reply and accordingly the reply was filed. Thereafter, vide Exh.29 the applicant had placed on record details of maintenance amount outstanding as on 14/11/2025, which states that an amount of Rs.11,40,000/- in a proceeding under the D.V. Act and Rs.8,10,000/- in the proceeding under Section 125 of Cr.P.C. was due and payable. Accordingly, the respondent was called upon to submit affidavit

stating the amount which was due and payable by him.

4. Accordingly respondent has placed on record affidavit Exh.23 stating that an amount of Rs.3,05,000/- was due and payable. Without going into the controversy in respect of the amount of arrears of maintenance, this Court by relying upon the statement made by the respondent in his affidavit had passed an order below Exh.14 on 02/02/2016 and called upon the respondent to deposit entire arrears till this that, within 7 days. At the time of passing aforesaid order it was made clear that if the order is not complied with before today, further orders shall follow on the application Exh. 14.

5. Accordingly, today Ld. Advocate Mr. Manas Mohanti for the applicant and Mr. Arnold for the respondent are present before the Court. According to Advocate Mr. Arnold, the applicant is unable to comply with the order passed by this Court in such a short time. It is to be noted here that the order in question was passed by the Ld. J.M.F.C. on 23/10/2024. Therefore, it can be easily said that ample time was got by the respondent to comply with the aforesaid direction, but he has not complied with the same, for the best reasons known to him. Thus, I do not find merit in the submission advanced by learned advocate for the respondent.

6. In the light of the above observation and flat refusal

on the part of the respondent to comply with the order of this Court, I have no hesitation to conclude that the respondent is deliberately avoiding to comply with the direction given by this Court and therefore the defence and the respondent is liable to be struck off in the light of the observations made by the Hon'ble Supreme Court in Rajneesh Vs. Neha, Aditi Vs. Jitesh Sharma, Kaushalya Vs. Mukesh Jain, Rajeev Vs. Sarika, Bani Vs. Prakash Singh. Consequently, I proceed to pass following order

ORDER

1. Application Exh. 14 is allowed.
2. The defence of respondent is order to be strike off.
3. The petition shall proceed for final arguments.

Panvel,
Dated :- 10/02/2026

(Dinesh E. Kothalikar)
Additional Sessions Judge,
Court No.2, Panvel, Dist-Raigad.