

ORDER BELOW EXH. 1 IN CRI. M.A.NO. 71/2025.
(MHST-07000968-2025)

Amar Sagar Salunkhe through -- Applicant.

Usha Dipak Gaikwad.

Vs.

Sagar Bharat Salunkhe -- Respondent.

The present application is filed by the applicant for issuance for arrest warrant for recovery of Rs. 1,68,000/-. The respondent was served the notice. The envelope of notice returned as refused. It is deemed service of the notice. Hence, the matter proceeded *ex-parte* against the respondent.

2. Perused the application. Heard Ld. Adv. Shri. A.S. Kale for the applicant. The present application is filed for recovery of the maintenance amount. The recovery warrant was issued for an amount of Rs. 1,73,000/-, as the respondent has paid only amount of Rs. 5,000/- It appears that the respondent was directed to pay monthly maintenance of Rs. 4,000/- to applicant towards maintenance.

3. If a person, without sufficient cause, fails to comply with an order of maintenance under Section 125 of the Code of Criminal Procedure, the Court is empowered under Section 125(3) to enforce the order by issuing a warrant for recovery of the due amount in the manner prescribed for levying fines, and may further sentence the defaulter to imprisonment for a term which may extend to one month for each month's default or until payment is made, whichever is earlier. The same provision is reflected in B.N.S.S. i.e., section 144 (3).

4. It can be seen that, from time to time, recovery warrant was issued against the respondent, which remained unserved.

5. The record shows that the respondent is not paying any amount. As on today, an amount of Rs. 1,68,000/- is due from the respondent. This clearly shows negligence on the part of the respondent in paying the maintenance amount. Considering the negligence and reluctance of the respondent, no option is left but to issue arrest warrant. It appears from the record that, till date, the respondent has paid only Rs. 5,000/- to the applicant. As per the order of the learned Magistrate, an amount of Rs. 4,000/- was granted to the applicant until he attains majority. The said amount is payable from the date of the application, i.e., 28/07/2021.

6. Considering the payment of Rs. 5,000/-, the same is adjusted towards the first month's maintenance up to 27/08/2021, and the remaining amount of Rs. 1,000/- is adjusted towards the maintenance payable for the subsequent month. Therefore, for the period of one year from 27/08/2021 to 27/08/2022, an amount of Rs. 48,000/- less Rs. 1,000/-, i.e., Rs. 47,000/-, remains due from the respondent. Therefore, it is necessary to issue an arrest warrant for the recovery of arrears of maintenance for a period of 12 months at one time. Hence, I pass following order.

ORDER

1. Issue an arrest warrant against the respondent, viz., Sagar Bharat Salunkhe, for the recovery of Rs. 47,000/- towards arrears for a period of one year i.e., from 27/08/2021 to 27/08/2022.

2. In case the respondent pays Rs. 47,000/- to the officer executing the arrest warrant, he shall be released upon the deposit of the said amount in the Court

Place :- Karad.

(Smt. A.V. Mohite)

Date :- 11/06/2026.

2nd Judicial Magistrate First Class, Karad.

Tal. Karad, Dist. Satara.