

CNR - MHWR030031252018

Cri. M.A. No.91/2018Order Below Exh.66(Ganpatrao Shendre Vs. Anil Shendre & Ors)

This application filed by the applicant thereby issue warrant for the recovery of Rs. 1,86,700/-, which is arrears against the non-applicant.

2. The applicant further submitted that, non-applicant is his son and he has made his life miserably by making quarrel with him. He has also obtained the order under the Senior Citizen Act, 2007, whereby his son is directed to leave the house of applicant. Despite, the said order non-applicant is not obeying it. Moreover, the applicant has filed one civil suit, therein also interim order granting in his favour, thereby directed to the non-applicant not to disturb the peaceful possession of the plaintiff over the suit property. Despite, the aforesaid orders the non-applicant son is harassing the applicant, who is not only Senior Citizens and also suffering from old age related diseases. There is an order of maintenance in terms of monthly form the under section 125 Code of Criminal Procedure, 1973 and non-applicant deliberately not filing his say, though some time appearing before the court and also not depositing the said arrears an amount. In the aforesaid

circumstances and looking to the conduct of non-applicant, recovery warrant is requires to be issued against the non-applicant for an amount of Rs. 1,86,700/-.

3. So far as, the prayer of applicant that, non-applicant be directed to implement order of Collector under the Senior Citizens Act, 2007. The non-applicant be directed to vacate the premises or applicant be permitted to broke open the lock on the rooms illegally occupied by the non-applicant and thereby give the possession of it. The said relief cannot be granted in the present proceedings. Hence, the said relief rejected. As such, this court pass following order :-

Order :-

1. Application partly allowed.
2. Recovery warrant be issued for an amount of Rs.
1,86,700/- against the non-applicant.

Date: 06/12/2025
Wardha.

(H. P. Pancholi)
Judicial Magistrate First Class,
[Court No.3] Wardha