



CNR No. MHWR030095272025
Cri.M.A. No. 93/2025
Bhagyashri Vs. Nitin

ORDER BELOW APPLICATION DATED 02/02/2026

This is an e-filed proceeding under Section 144(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 for recovery of arrears of maintenance amount.

2. Applicant through present application is seeking issuance of distress warrant against non-applicant for recovery of arrears maintenance amount.

3. Perusal of record shows that, notice issued to non-applicant is duly served, but he failed to appear & raise any objection to the proceedings, without furnishing any reasonable cause, till date. Hence, proceeded without the say of non-applicant.

4. It is a case of applicant that, *vide* judgment & order in P.W.D.V.A. A. No. 106/2024 dated 12/02/2025 non-applicant was directed to pay applicant an amount of Rs. 3,500/- per month. However, he failed to pay the amount and therefore, warrant needs to be issued against him for recovery of the said amount.

5. As non-applicant failed to appear & raise objection to the proceedings & application, proceeded without hearing him.

6. Upon perusal of record it is apparent that, non-applicant was directed to pay maintenance amount of Rs. 3,500/- per month to applicant *vide* order in P.W.D.V.A. A. No. 106/2024 dated 12/02/2025. As per applicant, there is default in payment on the part of non-applicant.

7. There is nothing on record to show that, non-applicant had either challenged the said order or sought any modification in the same. Further, nothing is filed on record to show that there is any stay to the execution of said order. Thus, there is apparent default on the part of non-applicant and applicant is entitled for its recovery.

8. Further, as per the provisions of Section 144(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, applicant will be entitled for issuance of recovery warrant only for the arrears due within a period of one year from the date of application. Present application is moved on 02/02/2026. Hence, in view of the said application, applicant will be entitled for issuance of recovery warrant for recovery of arrears of maintenance for the period from 02/02/2025 till 01/02/2026 only.

9. Accordingly, the arrears (12 X 3,500/-) sum up to Rs. 42,000/-. Thus, in view of the present application applicant is entitled for issuance of warrant for recovery of Rs. 42,000/- only at this stage. Therefore, I am inclined to partly allow the application and issue distress warrant against non-applicant for recovery of said amount only. Accordingly, I proceed to pass the following order :

ORDER

1. Application is hereby partly allowed.
2. Issue Distress Warrant against non-applicant for recovery of amount of Rs. 42,000/- only.

Place : Wardha
Date : 02/02/2026

(Vickrant P. Khandare)
Judicial Magistrate First Class, Wardha.
(Court No. 1)