



CNR No. MHWR030114322025

Cri.M.A. No. 105/2025

Priyanka + 1 Vs. Arvind

ORDER BELOW APPLICATION DATED 27/03/2026

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. Applicants through present application are 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 applicants that, this Court had directed the non-applicant to pay applicants a total amount of Rs. 7,000/- per month towards their interim maintenance. However, he failed to comply with the said order and pay any amount. 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 and the application, proceeded without hearing him.

6. Upon perusal of record it is apparent that, this Court *vide* its order below Exh. 05 in P.W.D.V.A. A. No. 182/2024 dated 07/10/2025 had directed the non-applicant to pay applicants a total amount of Rs. 7,000/- per month towards their interim maintenance. As per applicant, there is default 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 applicants are entitled for its recovery.

8. Further, as per the provisions of Section 144(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, applicants 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 27/03/2026. Hence, in view of the said application, applicants will be entitled for issuance of recovery warrant for recovery of arrears of maintenance for the period from 27/03/2025 till 26/03/2026 only.

9. Accordingly, the arrears (12 X 7,000/-) sum up to Rs. 84,000/-. Thus, in view of the present application applicants are entitled for issuance of warrant for recovery of Rs. 84,000/- only at this stage. Therefore, I am inclined to allow the application and issue distress warrant against non-applicant for recovery of said amount. Accordingly, I proceed to pass the following order :

ORDER

1. Application is hereby allowed.
2. Issue Distress Warrant against non-applicant for the recovery of amount of Rs. 84,000/- only.

Place : Wardha
Date : 27/03/2026

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