

MHAH250021272018



Cri.M.A.No.384/2018
Chhaya Harihar & Ors.
Vs.
Ganesh Harihar

ORDER BELOW EXH.1.

The non-applicant no.1 is produced before me today at 3.30 p.m. by ASI K. T. Lalde of Supa Police Station.

2. The applicant has filed application for recovery of monthly maintenance of Rs. 4,500/- per month against non-applicant. Perused the record. Non-applicant was earlier brought before me in execution of arrest warrant issued against him. He did not pay any amount. Thus, he was sentenced to imprisonment for 30 days for default of one months maintenance amount. During such sentence the non applicant did not pay any amount. There is outstanding amount of more than Rs.3,11,500/-. Thus, again arrest warrant was issued against him. The applicants are present. They contended that, the non applicant is having resources to pay the amount but still he is avoiding the payment of the same. They prayed for sentencing him to imprisonment for default of eleven months amount.

3. Upon being asked, non-applicant is not ready to pay even 10% of the outstanding amount. On perusal of record, the non-applicant has evaded the process of the court by causing delay deliberately. He did not make any provision of due maintenance. He denied to make provision of half of the due

maintenance amount. It is seen that, non-applicant is young and well bodied person. However, he is deliberately avoiding to pay maintenance allowance due to applicants. He has not submitted any reason for his inability to pay the maintenance amount. It shows that the non-applicant is avoiding his responsibility to pay the maintenance allowance. Thus, he is not eligible for any leniency. He therefore deserves to be sentenced for default of payment of maintenance amount. Considering the facts and circumstances of the application, it would be just and proper to sentence him to undergo simple imprisonment for eleven months for last eleven month's default of maintenance. In the result, I pass following order.

ORDER

1. The non-applicant is sentenced to suffer simple imprisonment for 11 months for last 11 month's default in payment of maintenance.
2. In case the non-applicant deposits or pays maintenance arrears of Rs.3,11,500/-, he be released forthwith.

Date : 20-12-2025

(S.R.Kanakdande)
02nd Judicial Magistrate, F.C.,
Parner.