Order no. 30

Order dt. 14/8/25

No ER of DW is received.

Petitioner is present.

1. The matter is taken up today for execution report DW issued earlier for recovery of arrear maintenance amount.
2. No ER of DW has been received till date, indicating non-compliance or failure in realization through attachment.
3. Heard the submissions of the Ld. Advocate for the petitioner at length. Perused the entire judicial record.
4. On perusal, it is evident that the chances of realizing the arrear maintenance amount by way of attachment of property or salary are nil, as no attachable assets have been traced or executed upon despite previous directions. The OP has been persistently refusing to pay the arrears without any just or sufficient cause, thereby defeating the purpose of the maintenance order granted under Section 125 Cr.P.C., which is intended to prevent vagrancy and provide timely support to the petitioner.
5. Section 125(3) Cr.P.C. provides for issuance of a warrant of arrest as a subsequent mode of enforcement when other methods, such as distress warrant, fail to yield results. It is settled law that enforcement proceedings must be efficacious, and courts should resort to coercive measures like arrest to ensure compliance, especially where default is wilful and without justification.
6. In the present circumstances, considering the protracted default, the ineffectiveness of the DW, and the absence of any representation or payment from the OP, it is deemed necessary and expedient in the interest of justice to issue a warrant of arrest against the OP for realization of the arrears.

Hence, issue W/A.

Petitioner to file the requisites.

Fix 07-10-2025 for ER of W/A.

Sd/-

JM, Kalna