

Misc Execution 123 /25

Order dt. 31.12.2025

Record is taken up for passing order in respect of an application filed on behalf of the opposite party / husband on 25.08.2025 for non-maintainability of execution application u/S 144(3) BNSS.

Perused the petition. Considered.

It appears that the OP / husband has filed this petition by stating that the two sons of the petitioner and the OP have become major and the order passed in misc case 336 of 17 was that the OP is directed to pay maintenance to the minor sons but as they have become major hence this execution case is not maintainable and also added in the petition that the petitioner is a practicing advocate and so she herself is not entitled to get maintenance. Hence prayed for dismissing this execution case or procedure.

The provision mentioned in Section 144 (3) BNSS only relates to breach of order of maintenance passed by any Court. So it appears that the Section mentioned is not appropriate and also this Court does not have any jurisdiction to change or alter any order in any execution proceeding and the OP / husband has other forums to pray for change or alteration of original order passed in Misc Case 336 of 17. Hence the non-maintainability application filed by the OP / husband u/S 144(3) BNSS is totally vague and liable to be rejected.

Hence it is,

ORDERED

the petition dt. 25.08.2025 for non-maintainability of execution application u/S 144(3) BNSS stands rejected on contest without cost.

Tofor payment.

D & C by me.

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