

ORDER BELOW EXH.18

(Passed on 17.03.2025)

1] Read application and say filed overleaf. Perused the record. Heard advocate for applicant at sufficient length. By this application, applicant is seeking to strike off the defence of respondents for non-compliance of interim maintenance order.

2] Learned advocate for applicant Shri. D.G. Takaware submitted that respondent No.1 has not complying and regularly paying interim maintenance amount. After issuing warrant he paying meagre amount. He is in arrears near about Rs.2,20,717/-. Accordingly, he has prayed for relief.

3] As per the settled principles of law, non-compliance of interim maintenance order is a justifiable ground to strike off the defence of respondents in the proceedings filed under the Provisions of Protection of Women from Domestic Violence Act, 2005 (Hereinafter "DV Act"). However, in the present matter yet applicant is not lead any evidence. Further respondent has also paid some amount towards interim maintenance. Applicant has remedy to recover the interim maintenance amount. While perusing Exh.12, 15, 20 it appears that respondent No.1 has deposited some amount through cheque towards the arrears of interim maintenance. Considering this fact and to decide matter on merit and in the interest of justice it is necessary to give opportunity to respondent to take cross-examination of applicant, take his defence and to lead his evidence. So, at this stage, for non-compliance of maintenance order, it will not be just and proper to strike off the defence. Hence, order:-

ORDER

1. Application (Exh.18) is hereby rejected.
2. Applicant is directed to lead evidence on next date without fail.
3. Copy of this order be given to parties and all concern under section 24 of the DV Act.

Nagpur.

Date : 17.03.2025.

(S. S. Deshmukh)
12th Jt. CJSD & ACJM
(Spl. Court for D.V. Act)
Nagpur.