

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No.3575/2017

Smt. Vandana Agarwal W/o Shri Sunil Agarwal, D/o Late Shri Ramchandra Singh, R/o Plot No.52, Dhuleshwar Garden, Sardar Patel Marg, C-Scheme, Jaipur.

-----Petitioner

Versus

1. State Of Rajasthan Through P.p.
2. Sunil Agarwal S/o Late Shri Satish Chand Agarwal, R/o Plot No.52, Dhuleshwar Garden, Sardar Patel Marg, C-Scheme, Jaipur.

-----Respondents

For Petitioner(s)	:	None present
For Respondent(s)	:	Mr. Jitendra Singh Rathore, PP

JUSTICE ANOOP KUMAR DHAND

Order

23/04/2026

1. By way of filing the instant criminal misc. petition, a challenge has been led to the impugned order dated 06.04.2017, passed by Additional Chief Metropolitan Magistrate No.17, Jaipur Metropolitan, Jaipur in Case No.72/2015 by which a direction has been issued to sell off the respondent No.2's car i.e. Ford Fiesta bearing No. RJ14CH3972 to recover the due amount of maintenance payable to the petitioner.
2. Aggrieved by the aforesaid, the petitioner approached this Court on the ground that the value of the aforesaid car has eroded, as the same is old and the outstanding dues would not be recovered by sale of the aforesaid car.

3. This Court while hearing the instant matter on 30.11.2018, passed the following interim order:-

"Issue notice to the respondents, for 29.01.2019.

Liberty is granted to the petitioner to serve respondent No.2 through 'dasti' process.

The learned counsel appearing for the petitioner has submitted that the trial Court had ordered that the Car in possession of the petitioner be sold for recovery of the arrears of maintenance. Counsel has further submitted that the value of the Car has eroded as said Car is old and after sale of the Car, the amount outstanding will not be recovered.

I find merit in the submission made by Id. counsel appearing for the petitioner.

Therefore, the order of the trial Court that the arrears of the maintenance be recovered by selling the Car is stayed.

The trial Court upon application filed by the petitioner, after hearing the opposite side, if so deem fit, may order for sale of immovable property on the name of the respondent No.2.

List this case on 29.01.2019."

4. While passing the aforesaid order, the operation of the impugned order was stayed granting liberty to the petitioner to submit an application by providing the details of all the immovable properties in the name of respondent No.2 and in case such application is submitted by the petitioner before the Trial Court, appropriate orders shall be passed by the Trial Court.

5. Considering the overall facts and circumstances of the case, this Court deems it just and proper to dispose of the instant petition, granting liberty to the petitioner to submit an application giving description about the movable and immovable properties of the respondent No.2 for the purpose of recovery of pending arrears of maintenance, if any.

6. In case, such application is submitted by the petitioner, it is expected from the concerned court to decide the said application strictly in accordance with law, after providing due opportunity of hearing to either side, expeditiously as early as possible.

7. With the aforesaid observations, the instant criminal misc. petition stands disposed of. Stay application as well as all pending applications, if any, also stand disposed of.

(ANOOP KUMAR DHAND),J