

Date : 19.12.2022

ORDERS ON I.A.NO.1

This application is filed by the respondent under Sec.25 of PWDV Act, with a prayer to stay the execution of order dated 11.09.2020 until disposal of IA No.1 on merits in CrI.Misc No.85/2020.

2. In the application it is contended that, the petitioner has filed this petition on ex parte ad-interim order and the IA No.1 is still pending in the main petition. Hence, this application.

3. In turn the respondent has filed objection to the said application and contended that the respondent is living in a good condition and he is capable to provide maintenance but in spite of that he is not complying the order dated 11.09.2020. Hence, prays for rejection of the said application.

4. Heard and perused the materials available on record.

5. This petition is filed by the petitioner for recovery of arrears of maintenance which is due from the respondent. The respondent has filed this application with a prayer to stay the execution of order dated 11.09.2020 which was passed in the main petition i.e., in

Crl. Misc.No.85/2020. On perusal it is clear that the respondent is liable to pay Rs.2,10,000/- so far as this petition is concerned and till date the respondent has paid only Rs.10,000/- and he is liable to pay the remaining arrears of maintenance. The very purpose of granting interim maintenance is to protect the interest of women and to prevent the wife and children from various modes of vagrancy and its consequences. When such being the case the question of staying the execution of order as sought in the application does not arise. Moreover as per Sec.25 of PWDV Act either party can file an application for alteration, modification or revocation of an order when there is a change in circumstances. However in the said provision it does not speak anything about the stay of execution of order. In view of the same the application is not maintainable and devoid of merits. Hence, I proceed to pass the following :

ORDER

The application filed by the respondent
U/Sec.25 of PWDV Act is hereby rejected.

For balance payment.

Call on 01.12.2022.

M.M.T.C-VI, Bengaluru.