

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR
CRM(M) 490/2025

RUKHSANA BEGUM ...Petitioner(s)/appellant(s)

Through: Mr. Wani Manzoor, Advocate

Vs.

UMAR MAQBOOL PANDITH ...Respondent(s)

Through:

CORAM:
HON'BLE MR JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER
20.08.2025

1. Heard.
2. Through the medium of the instant petition filed under Section 528 of the BNSS, the petitioner has sought a direction upon the learned trial Magistrate, i.e., the court of Chief Judicial Magistrate (CJM), Baramulla at Sopore, for expeditiously deciding her execution application in respect of arrears of maintenance to the tune of Rs. 87,000/- for the period w.e.f 09.09.2021 to 09.02.2024, awarded in pursuance of order dated 10.12.2022, with a further direction for reconsideration of her case for enhancement of monthly maintenance allowance having regard to the income of the respondent and her requirements.
3. The case of the petitioner, in nutshell, is that she got married to the respondent in the year 2007, but unfortunately, since the inception of the marriage, the attitude and behavior of the respondent towards her remained unpleasant and quarrelsome. That despite her numerous efforts to make the respondent understand the values and niceties of a matrimonial relationship, he did not change his behavior and attitude.

That respondent, despite being a government employee, did not pay even a single penny towards her on account of the maintenance. That she was prompted to approach the court of learned Chief Judicial Magistrate, Baramulla at Sopore, with a complaint under Section 12 of the Protection of Women from Domestic Violence Act (hereafter referred as “DV Act” for short) as also with an application under Section 125 of the Code of Criminal Procedure for grant of maintenance. That the learned trial Magistrate, vide order dated 10.12.2022, granted a monthly maintenance allowance of Rs. 3,000/- in her favour to be payable by the respondent. That since the respondent failed to comply with the aforesaid order dated 10.12.2022 of the learned trial Magistrate, therefore, she was constrained to file an execution petition for recovery of arrears of the maintenance to the tune of Rs. 87,000/-, which is still pending disposal before the learned Magistrate. That she is presently residing at Sopore in the house of a relative and has been suffering badly on account of non-payment of maintenance. That she is also suffering from multiple ailments and needs immediate medical care and attention. That she has no independent source of income.

4. In the facts and circumstances of the case, especially having regard to the grievance of the petitioner and the relief sought, this Court is of the opinion that the matter can be disposed of at this threshold stage by passing of appropriate directions, which may not prejudice the interests of the respondent.
5. Accordingly, the instant petition is allowed and is disposed of with a direction to the learned trial Magistrate, i.e., the court of Chief Judicial Magistrate, Sopore, to conduct expeditious proceedings on the

execution petition for the early disposal of the same. The learned trial Magistrate is directed to be mindful of the fact that the maintenance order dated 10.12.2022 is still awaiting its compliance. The petitioner is supposed to have been suffering a lot for non-compliance of the aforesaid maintenance order dated 10.12.2022. The learned trial Magistrate shall also hold expeditious proceedings in the main maintenance petition as well as in the DVAct petition for their early disposal.

6. Disposed of.

SRINAGAR
20.08.2025
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