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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1100 OF 2017

Virendra Radhakrushna Bobde ..Petitioner.

V/s.

Sau. Anjali Virendra Bobade & Ors. ..Respondents.

Mr.Gaurang Doshi i/b. Amey Deshpande for the petitioner.

Mr.S.Dhakephalkar for respondent No.1.

Mrs. N.S.Jain, APP for the respondent-State.

CORAM: NITIN W.SAMBRE, J.

DATE : MAY 3, 2018

PC.:-

This petition is filed questioning the order of issuance of distress warrant in execution of the recovery of arrears of maintenance.

2. The only strenuous submission which are advanced before this Court is, both the children to whom maintenance is awarded have attained majority in 2003 and 2005 respectively. The petitioner who has retired as Forest Officer will be financially burdened in case if the amount, which is not due, is made to be paid.

3. The learned counsel for respondent No.1 opposed the claim as according to him, alternate remedy for the aforesaid cause is available.

4. The fact remains that the order of payment of maintenance and the subsequent reason of attaining majority by the children and the claim that they are gainfully employed cannot be appreciated at this stage in the present proceedings for the reason that the remedy to the petitioner lies elsewhere.

5. Even if part payment of the amount is made, still the fact remains that the executing Court was right in issuing the distress warrant as the entire arrears was not cleared.

6. From the grounds *qua* modification, if any, sought by the petitioner to the order to payment of maintenance, I hardly notice any reason which warrants interference. The petition is dismissed.

7. The amount, if any deposited in this Court towards arrears of maintenance, are permitted to be withdrawn by respondent No.-1.

(NITIN W.SAMBRE, J.)