



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2072 OF 2026

Sau. Sonam Manoj Tiwari Vs. Manoj Bjawanishankat Tiwari

*Office Notes, Office Memoranda of Coram,
Appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. R.B. Dhore, Advocate for the Petitioner.

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATE : 16.04.2026

At the outset, Mr. R. B. Dhore, learned counsel for the petitioner, seeks leave of this Court to substitute Annexure-D at page No.30.

2. Permission is granted.
3. Necessary substitution be carried out forthwith.
4. Heard Mr. Dhore, learned counsel for the petitioner.
5. The petitioner-wife has approached this Court seeking a direction to the learned Judicial Magistrate First Class, Murtizapur, to decide the application for recovery of arrears of maintenance filed by her. The aforesaid application was filed on 17.02.2024 and is at record page No.27 (Annexure-B).
6. Mr. Dhore, learned counsel for the petitioner, submits that the learned Trial Court had allowed the application below Exh.5 filed by the petitioner-wife seeking interim maintenance under Section 23 of the Protection of Women from Domestic Violence Act 2005. The said order is at record page No.19 (Annexure-A). By the aforesaid order, the learned Trial Court

directed the respondent-husband to pay interim maintenance of Rs.8,000/- per month from the date of the application, which was filed on 4th March, 2022.

7. It is submitted that the respondent-husband has not paid the interim maintenance at the rate of Rs.8,000/- per month from March 2022 till date, despite the lapse of more than four years. As the respondent-husband failed to comply with the said order, the petitioner-wife filed an application before the learned Trial Court under Section 125(3) of the Cr.P.C. for recovery of arrears of maintenance. The said application is pending since February 2024.

8. Hence, the petitioner-wife has approached this Court seeking a direction to the learned Trial Court for expeditious disposal of the aforesaid application. It is further submitted that the respondent-husband is avoiding service before the learned Trial Court, though he is contesting other proceedings, and therefore the matter is pending for want of service of summons upon him.

9. In view of the above, we dispose of the present writ petition with a direction to the learned Judicial Magistrate First Class, Murtizapur, to decide the aforesaid application below Exh.26 in M.C.C. No. 77/2022 within a stipulated period of three weeks from the date of production of this order.

10. The petitioner-wife is also permitted to serve the respondent-husband through his counsel appearing in the pending proceedings before the learned Trial Court.

11. The writ petition is accordingly disposed of. No costs.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)

Vijaykumar