

Order passed below Exh. 1 in D.V. No. 1/2018

1/ This application has been filed by the applicant for striking off evidence of opponent as he is not following and obeying the order of the court. Ld. Adv. for applicant submitted that opponent no. 1 has not paying the amount of interim maintenance even after order dtd. 21/9/2018. Hence, he prayed for allowed the application.

2/ Opponent filed say on the same application by the contention that the opponent has to look after his parents and as applicant and her parents assaulted him due to which he has to take the treatment of the hospital and he has spent so much amount for the treatment of the hospital and therefore he will not pay the maintenance but he undertake to deposit some amount on next date i.e. 11/3/2019. Accordingly he has deposited Rs. 8,000/- by Exh. 20 but from the date of order till today he has only deposited 21,000/- as per the say of opponents advocate and remaining amount of Rs. 99,000/- has not deposited yet. Today when asked about the amount the opponent denied to deposit the same and this conduct shows he is not ready to follow and obey the order of the court. Applicant has to look after her son Laksh and therefore it is necessary to pass an order as to why the amount of maintenance needs to be recover. Distress warrant was issued by the report of the same is not yet received. Opponent is specifically and directly denying today to deposit the amount.

3/ As D.V.Act Sec. 28 allows the court to lead out its own procedure for the disposal of the same application. As opponent has

not deposited the amount in the court as and when ordered by this court. Hence, his defence needs to be struck off. Hence, I pass the following order.

ORDER

- 1] Application is allowed.
- 2] The defence of opponent is hereby struck off.
- 3] Parties to take note.

Kalyan.
Date : 23/09/2019

(M.R. Kamat)
6th Judicial Magistrate, First Class,
Kalyan.