RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous (Petition) No. 3069/2023
CNR: RJHC010349162023 | URN: CRLMP / 6448U / 2023

Het Ram S/o Manphool Ram, Aged About 50 Years, B/c Nayak, R/o 19 Ptd, Tehsil Raisingh Nagar, District Sri Ganganagar, Raj.

----Petitioner

Rajasthan High Court
सत्यमेव जयते
Web Copy - Not Official

Versus

1. Murti Devi D/o Shri Dungar Ram, Aged About 40 Years, R/o 19 Ptd, Tehsil Raising Nagar District Sri Ganganagar, At Present R/o Chak 21 A.s. , Tehsil Gharsana, District Sri Ganganagar (Raj.)
2. Manisha D/o Shri Het Ram, Aged About 15 Years, Minor Its Natural Guardian Mother Of Smt. Murti Devi D/o Dungar Ram, W/o Shri Het Ram, Aged 40 Years, R/o 19 Ptd, Tehsil Raising Nagar District Sri Ganganagar, At Present R/o Chak 21 A.s. , Tehsil Gharsana, District Sri Ganganagar (Raj.)

----Respondents

For Petitioner(s)	:	Mr. Sunil Dhaka
For Respondent(s)	:	Mr. Kuldeep Sharma Mr. Vikram Rajpurohit, DyGA

HON'BLE MR. JUSTICE FARJAND ALI

Order

REPORTABLE

DATE OF CONCLUSION OF ARGUMENTS : 22/07/2026

DATE ON WHICH ORDER IS RESERVED : 22/07/2026

FULL ORDER OR OPERATIVE PART : Full Order

DATE OF PRONOUNCEMENT : 16/10/2026

BY THE COURT:-

1. The instant criminal misc. petition under Section 482 of the Code of Criminal Procedure, 1973, has been preferred by the

---

(Uploaded on 16/10/2026 at 01:22:22 PM)
(Downloaded on 17/10/2026 at 07:40:12 AM)

RAJASTHAN HIGH COURT
सत्यमेव जयते

petitioner assailing the legality and propriety of the order dated 11.05.2023 passed by the learned Additional Chief Judicial Magistrate, Gharsana, District Sri Ganganagar, in Criminal Case No. 135/2020.

Rajasthan High Court
सत्यमेव जयते
Web Copy - Not Official

2. The brief facts of the case are that respondent Nos. 1 and 2 filed an application under Section 125(3) Cr.P.C. seeking recovery of arrears of interim maintenance amounting to Rs. 2,20,000/-, alleging non-payment by the petitioner. The petitioner opposed the application on the ground that recovery could not be sought for a period exceeding twelve months. However, vide order dated 11.05.2023, the learned court below allowed the application and directed issuance of an attachment warrant in respect of the petitioner’s agricultural land for recovery of the outstanding amount. Aggrieved by the said order, the petitioner has preferred the instant petition.

3. Heard learned counsel for the parties and perused the impugned order as well as the material available on record.

4. The controversy involved in the present petition revolves around the interpretation of Section 125(3) Cr.P.C., particularly the expression “date on which the amount becomes due” occurring therein. The proviso of Section 125(3) prescribes a period of limitation of twelve months for seeking recovery of an amount due under an order of maintenance, reckoned from the date on which such amount becomes due.

4.1 In the present case, the application seeking maintenance was instituted on 05.08.2020, whereas the learned Court below,

(Uploaded on 16/10/2026 at 01:22:22 PM)
(Downloaded on 17/10/2026 at 07:40:12 AM)

vide order dated 04.06.2022, awarded interim maintenance of Rs.5,000/- per month in favour of the respondent, with effect from the date of filing of the application. The amount sought to be recovered, therefore, includes the arrears calculated for the period commencing from 05.08.2020 and ending on 04.06.2022.

4.2 The question which arises for consideration is whether the aforesaid arrears can be treated as having become due on the respective dates to which they relate or whether the enforceable right to recover the consolidated amount accrued upon the passing of the order dated 04.06.2022. In the considered opinion of this Court, the distinction between the period for which maintenance has been awarded and the point of time when the amount became recoverable under the judicial direction assumes significance.

4.3 Prior to the passing of the order dated 04.06.2022, the respondent did not possess an enforceable order directing payment of maintenance. It was only upon the passing of the said order entitling the wife to recover maintenance, including the arrears directed to be paid retrospectively from the date of the application, crystallised. The direction to make payment from the date of institution of the application determines the period for which maintenance is payable; it does not, in the facts of the present case, warrant treating the entire amount covered by the order as having become recoverable even before the order itself came into existence. In other words, it can be said that prior to order dated 04.06.2022, the amount did not become due.

(Uploaded on 16/10/2026 at 01:22:22 PM)
(Downloaded on 17/10/2026 at 07:40:12 AM)

RAJASTHAN HIGH COURT सत्यमेव जयते

Rajasthan High Court सत्यमेव जयते Web Copy - Not Official

4.4 Consequently, the arrears for the period from 05.08.2020 to 04.06.2022 became recoverable pursuant to the order dated 04.06.2022 and not before passing of the above order. The application seeking recovery of the said amount was presented on 27.06.2022, i.e., within a period of less than one month from the date on which the order was passed. The objection that the recovery application pertaining to a period exceeding twelve months, cannot be sustained merely on the ground that the arrears were calculated for a period of approximately twenty-two months. The statutory limitation is attracted with reference to the date on which the amount became due and not merely by reference to the length of the period for which maintenance has been calculated. Here, in this case, the application for recovery had been filed within limitation soon after amount became due.

4.5 However, the position in respect of the monthly instalments falling due subsequent to the passing of the order dated 04.06.2022 stands on a different footing. Once the order came into existence means a legitimate right to recovery; the maintenance payable for each succeeding month became due in accordance with its terms. If subsequent thereto any application is filed seeking recovery of the outstanding amount that would necessarily be governed by the limitation prescribed under Section 125(3) Cr.P.C., reckoned from the date on which the respective amount became due.

5. In the light of the aforesaid discussion, this Court finds that the recovery application dated 27.06.2022, insofar as it relates to

(Uploaded on 16/10/2026 at 01:22:22 PM)
(Downloaded on 17/10/2026 at 07:40:12 AM)

RAJASTHAN HIGH COURT सत्यमेव जयते

the arrears covered by the order dated 04.06.2022, was presented within the prescribed period of limitation. The learned Court below has, therefore, committed no illegality in rejecting the objection raised by the petitioner and proceeding with the recovery of the said amount in accordance with law. No ground warranting interference by this Court in exercise of its inherent jurisdiction is made out.

Rajasthan High Court Web Copy - Not Official सत्यमेव जयते

6. Accordingly, the instant criminal misc. petition is dismissed.

7. Stay petition and all pending applications also stands disposed of.

(FARJAND ALI),J

Crt_7 (1763)
S/383
Mamta Tak

(Uploaded on 16/10/2026 at 01:22:22 PM)
(Downloaded on 17/10/2026 at 07:40:12 AM)