

**Court No. - 74**

**Case :- APPLICATION U/S 482 No. - 20182 of 2020**

**Applicant :-** Lakshminarayan

**Opposite Party :-** State of U.P. and Another

**Counsel for Applicant :-** Ram Chandra Solanki

**Counsel for Opposite Party :-** G.A.

**Hon'ble J.J. Munir,J.**

The impugned order of recovery warrants, for arrears of maintenance that have accumulated to a sum of Rs.49,000/-, have been issued against the applicant by the learned Principal Judge, Family Court, Firozabad. It appears that an order of interim maintenance was passed, pending proceedings under Section 125 Cr.P.C., in Case No.991 of 2015. The applicant has fallen in arrears of the monthly maintenance of Rs.7,000/-, which are now accumulated to a figure to Rs.49,000/-. The applicant is a Constable in the Provincial Armed Constabulary and a Government servant. Learned counsel for the applicant has submitted that these arrears have accumulated because of the backlash of the COVID-19 pandemic. The applicant being a government servant, who is in receipt of a monthly salary paid by the State, cannot take advantage of the disturbance of livelihood created for many others by the COVID-19 pandemic. On the other hand, default in payment of the interim maintenance would put the second opposite party, the applicant's wife, in much hardship and distress. That apart, the recovery warrant is a mere process and in the absence of a challenge to the substantive order awarding interim maintenance, it would not be much open to this Court to interfere with a mere process where the right is not in dispute.

In this view of the matter, no case for interference is made out.

This application fails and is, **summarily dismissed.**

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Let this order be communicated to the Principal Judge, Family Court, Firozabad, through the Sessions Judge, Firozabad by the Joint Registrar (Compliance) by **Monday next**.

**Order Date :-** 21.1.2021  
NSC