**MAINTENANCE CHARGE DEED**

This deed of charge is made between

Mr. …,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,….

S/o………………………………………………………………………. hereinafter referred to as the Husband

and M/s………………………………………………………….….Wife of ……………………………………….…………….…Daughter of ……………………………………………………………..………Resident at …………………………………….................. after it referred to as the Wife..

Whereas the both parties are husband and Wife and both of them are living separately.

And whereas the husband is responsible in paying and has consented to pay the Wife per maintenance an amount of Rs. 1500 monthly in advance or prior the 5th day of each month hereafter.

And whereas the parties have consented that this amount of monthly maintenance would be charge on immovable property of two-storeyed building at.................................Bombay belonging Husband.

Now this deed witness and consented between the parties as below:

1. The Husband would pay to the Wife each and every month the amount of Rs. 1500 by 5th of each month in advance for up keeping and maintaining of the second party.

2. That this payment of maintenance shall bear charge on said property of Husband as premises No. ................................... of.............. and the Husband hereby charges the said land and premises bearing No............................ of.....................with the payment of the said amount of Rs. 1500 monthly for maintaining to Wife.

3. It is also consented if the Husband does not pay any two monthly installments of said maintenance to Wife then in that eventuality the Wife will bear right in enforcing the charge so created on premises by bringing the said land/premises to sale through competent Court of Law and to receive and realize the amount due to out net sale proceeds thereof.

4. Such charge is created without prejudice to other rights/remedies of Wife to enforce and realize payment of said maintenance allowance according with law.

In witness whereof the parties hereto have executed these presents on the day, month and year first above-written.

Date:

Husband

Wife

Witness

 **PETITION BY WIFE FOR ENFORCING MAINTENANCE ALLOWANCE ORDERED BY COURT**

**UNDER SECTION 128, Cr PC**

In the Court of..................................... Judicial Magistrate of...................................

Opponent Party (husband) …………………………………………………………..……………..

versus

Son of…………..

Village……….

Thana……….

Petitioner (wife) ………………..............

Daughter of.....................

Village……..

Thana……….

In the matter of petition by wife for enforcing order for paying maintenance

Petitioner (wife) ………………………………….…………….. respectfully shewoth:

1. That the opponent party was ordered by Your Honour per Order No,……………...... dated ............... passed in Case No. …. for paying monthly allowance of Rs. …………………………….to his wife, the petitioner.

2. That opponent party not paid any money, since that order to petitioner per terms of said order or otherwise. Copy of the order which was given to petitioner by Learned Court is unclosed hereto.

Petitioner prays that after serving notice to opponent party Your Honour may be pleased to investigate the statements made in petition and on being convinced that they being true may be pleased in attaching properties of opponent party stated in Schedule here below for enforcing payment or alternatively the Learned Court may be pleased to issue an arrest warrant of opponent party and put him into prison for such time as the Learned Court may deem fit.

Petitioner, as in duty bound, shall ever pray.

The Schedule

All that pieces/parcels of land measuring 5 cottahs along with two-storeyed building on it bearing premises No................................................. of............................

Verification

I, W, daughter of MN and wife of H resident at..................... do hereby solemnly affirm on oath and say as under:

1. I am the petitioner above-named. I know the facts/circumstances of this case and I am able to depose thereto.

2. The statements in the foregoing petition are true to my best knowledge and I have not suppressed any material fact.

Solemnly affirmed by the said W on .............. at the Court House at …………………..

Before me

Notary/Proper Officer

**PETITION BY WIFE UNDER SECTION 125, CR PC FOR MAINTENANCE**

In the Court of...................................................... Judicial Magistrate No.

Case No. ........................................................... under s. 125, Cr PC

Petitioner ………………………… (wife)

Daughter of............................

Village......................................

Thana ......................................

Occupation ............ Opposite Party ……………. (husband)

versus

Son of...........................

Village ..............................

Thana..............................

Occupation ...................

In the matter of maintenance petition of petitioner ……………………… from the husband …………………….. per s. 125, Cr PC

The above name petitioner.

Respectfully shewoth:

1. Petitioner ……………………………..……… being married wife of opponent party, they married according to the Hindu rites on.

2. The opponent party ……………………………………... being a clerk on the staff of ……………………………. holding a responsible position and drawing salary of Rs. …………………… per month.

3. The opponent party strongly attacked the petitioner on ................... and drove her away from the matrimonial house on............................. before various gentlemen of the vicinity.

4. That the opponent party leading a life of drunkenness and habitual lewdness. He is besides a man of uncertain temperament and become enraged season and out of season without any reason whatever. He has lost all sense of decorum and uses abusive language.

5. Petitioner after having being driven out of the house by the opponent party, came to her father's place on same day and staying there in his family members.

6. The opponent party was served with a pleader's notice for remitting petitioner Rs. …………….monthly for maintaining her but without effect. Having regard to violent temper of H and his inhuman type of beating petitioner she does not dare to go back to the place of the opposite party.

Petitioner hence prays that Your Honour may be pleased to issue notice on the opponent party and after leading evidence of both sides be pleased to order the opponent party for paying petitioner maintenance at the rate of Rs. ……………..monthly. And petitioner, as in duty bound, shall ever pray.

**Verification**

I,…………………………., daughter of ………………………….……resi……………………………………….of.......................... do hereby solemnly affirm on oath say as under:

1. I being petitioner above-named and I know the facts/circumstances of the case and I am able to depose thereto.

2. The statements in the paragraphs 1, 2, 3, 4, 5 and 6 of the foregoing petition are true to my best knowledge and that I have not suppressed any material fact.

Solemnly affirmed by the said Mrs. ………………… the ............ day of.........in the Court House at ……………………….

Before me

Notary