

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**FAM No. 21 of 2017**

- Smt. Monika Tamrakar W/o Prashant Kumar Tamrakar, Aged about 32 Years, D/o Shri Kushal Kumar Tamrakar, R/o House No.19, Harshit Nagar, Raipur, Tahsil & District Raipur (Chhattisgarh)(Defendant)

---- Appellant

Versus

- Prashant Kumar Tamrakar S/o Shri S.K.Tamrakar, Aged about 39 Years R/o Chhattisgarh Nagar, Tikrapara, Raipur, Tahsil & District Raipur, (Chhattisgarh)(Plaintiff)

---- Respondent

For Applicant	:	Shri Manoj Paranjpe, Advocate
For the Respondent	:	None

Hon'ble Shri Justice Pritinker Diwaker
Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board**By Printinker Diwaker, J.****08-02-2017**

1. Challenge in the present appeal is to the order dated 23-12-2016 whereby the Court below has differed the hearing on the application filed by the appellant under Section 24 of the Hindu Marriage Act, 1955 (for short 'the Act').
2. Brief facts of the case are, that respondent/husband filed a petition under Section 13(a) of the Act seeking divorce. In the said petition, on 11-11-2016, the appellant filed an application under Section 24 of the Act seeking maintenance *pendente lite*. Instead of deciding the said application, learned Court below has differed the hearing on the same and directed the matter to be listed for framing issues.
3. Learned counsel for the appellant submits that now the matter is fixed for

recording the evidence, the Court below be directed to decide the application filed by the appellant under Section 24 of the Act.

4. Considering the facts and circumstances of the case, without further entering into the merits of the case, present appeal is disposed of directing the Court below to first decide the application filed by the appellant under Section 24 of the Act and then to proceed further with the case. It is made clear that learned Court below should not be prejudiced with the present order and shall decide the application in accordance with law.

Sd/-
(Pritinker Diwaker)
JUDGE

Sd/-
(R.C.S. Samant)
JUDGE