

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 366 of 2017**

Smt. Reena Sharma, W/o Shri Vijay Sharma, aged about 27 years, caste Brahmin, occupation Housewife, R/o village Doundi, Tahsil Doundi, District Balod; address- House of Prem Shukla, S/o Devki Nandan Shukla, village Doundi, District Balod (C.G.) Applicant

---- Petitioner**Versus**

Vijay Sharma, S/o Late Yograj Sharma, aged about 28 years, occupation tent house, R/o Orna Colony, Adawal, PS Bodhghat, Tahsil and District Jagdalpur (C.G.)

.....non-applicant

---- Respondent

For Applicant	:	Mr. Ashish Surana, Advocate.
For Respondent	:	Mr. P.K. Tulsayn, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****29.06.2017**

Heard.

(1) The Family Court by its order dated 04.04.2017 has rejected the petitioner's application for grant of interim maintenance.

(2) Learned counsel for the petitioner submits that no reply was filed by the respondent on the interim application and without there being any material petitioner's application has been rejected by considering the document without being any reply on record.

(3) Per contra, counsel for the respondents would support the order impugned.

(4) I have heard learned counsel for the parties and perused the order impugned with utmost circumspection.

(5) Since no reply or affidavit was filed opposing the said interim application, the family Court could have decided the application after reply supported by affidavit is filed and, therefore, the impugned order is liable to be set aside.

(6) Accordingly, the writ petition is allowed. Impugned order is set aside. The respondent is directed to file reply on the said application and, thereafter, the family court would decide the interim application after hearing the parties and taking into account the reply/affidavit of the other side on record expeditiously. The family Court is also directed to expedite the hearing of the application for interim maintenance as well as main application.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-