

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (Art. 227) No.398 of 2017

Smt. Shiva Bajpai, aged about 30 years, W/o Shri Anurag Bajpai, D/o Shri Siddhnath Mishra, at present residing at Ware House Road, Behind Nova Office, Bilaspur, District Bilaspur (C.G.)

(Non-applicant)
---- Petitioner

Versus

Anurag Bajpai, aged about 35 years, S/o late Kamal Kishore Bajpai, R/o Mungeli, District Mungeli (C.G.)

(Applicant)
---- Respondent

For Petitioner: Ms. Nirupama Bajpai, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

24/07/2017

1. Application under Section 24 of the Hindu Marriage Act, 1955 filed by the petitioner has been rejected by the learned Family Court simply on the ground that the petitioner is Government servant and even the litigation expenses have not been considered.
2. Learned counsel for the petitioner submits that the order impugned is unsustainable and bad in law, as no sufficient reason has been assigned while considering the application of the petitioner and even the litigation expenses have not been paid.
3. The Family Court has simply recorded a finding that the petitioner is a Government servant and she is getting sufficient salary. No reasoned and speaking order has been passed with regard to her entitlement for grant of interim maintenance. Even the litigation expenses have not been paid to the petitioner.
4. Be that as it may, the impugned order is set aside. The Additional

District Judge, Mungeli is directed to consider afresh the application under Section 24 of the Hindu Marriage Act, 1955 and clearly record a finding as to whether the petitioner is entitled for the amount of interim maintenance during the pendency of application under Section 13 of the Hindu Marriage Act, 1955 and whether she is entitled for litigation expenses, travelling expenses etc., within a period of one month from the date of production / receipt of a copy of this order.

5. With the aforesaid observation, the writ petition stands finally disposed of. No order as to costs.

Sd/-
(Sanjay K. Agrawal)
Judge