

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 421 of 2016**

Omprakash Khatri S/o Charan Das Arora, Aged About 48 Years R/o Civil Line, Baitul, M. P., Posted As Teacher / Professor, Government Arts & Science College, Baitul, District Baitul (Madhya Pradesh)

---- Petitioner

Versus

Smt. Manisha Khatri W/o Omprakash Khatri, Aged About 39 Years Posted As Teacher, Bastar High School, Jagdalpur, District Bastar (Chhattisgarh)

---- Respondent

For petitioner	:	Mr. Bharat Rajput, Adv.
For Respondent	:	Mr. Malay Kumar Bhaduri, Adv

ORDER**8/3/2017**

1. At the outset learned counsel for the petitioner submits that parties be permitted to raise the issue of maintenance *pendente lite* during hearing of the said Civil Suit No. 2-A/2014 in the light of relevant provisions of Hindu Marriage Act, 1955 and let the trial Court dispose of the prayer for *pendent lite* maintenance as an interim measure till disposal of said civil suit in accordance with law and the Court may decide the same afresh after hearing the parties in the matter. The present writ petition may be accordingly disposed of.
2. Heard learned counsel for the parties.
3. Without commenting anything on the merit of the case, order dated 2-8-2014 is hereby set aside. Parties are directed to raise issue before the Court below by submitting their arguments on the application already pending before the Court below under Section 24 of the Hindu Marriage Act and may be permitted to file any additional interim application for the cause of interim maintenance *pendente lite* till disposal of said civil suit. The Court below is directed that after affording opportunity of hearing to both the parties to file their reply in the matter as the case may be

and after hearing both the parties, the court below shall pass order afresh as per provisions of law.

4. Instant writ petition is hereby disposed of.
5. Registrar (Judicial) is directed to immediately send copy of the order to the court below for compliance through usual and fax mode.
6. Parties may also file copy before the court below for compliance.

Sd/-
(Chandra Bhushan Bajpai)
Judge