

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 915 of 2017**

Sant Ram Tandiya S/o Late Tulsi Ram Tandiya Aged About 53 Years R/o Village Murdhowa, Tahsil Charama, District Kanker, Chhattisgarh.

---- Petitioner

Versus

Girija Bai W/o Sant Ram Tandiya Aged About 44 Years Occupation Housewife, R/o Village Seonikhurd, Dhamtari, District Dhamtari, Chhattisgarh, Present Address Suneti Rameshwar, Kanker, Tahsil District Kanker, Chhattisgarh.

---- Respondent

For Petitioner	:	Mr. Rajesh Kumar Tiwari, Advocate.
For Respondents	:	Mr. Aditya Sharma, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****12/12/17**

1. By the impugned order dated 24.10.2017, the petitioner / defendant's application questioning the maintainability of the suit has been rejected by the Family Court, Uttar Bastar, Kanker against which this writ petition under Article 227 of the Constitution has been filed by the petitioner.
2. Learned counsel appearing on behalf of the petitioner would submit that the Family Court, Uttar Bastar, Kanker has committed an illegality in rejecting the petitioner / defendant's application and, therefore, the impugned order is liable to be set aside.
3. I have heard learned counsel for the petitioner and perused the impugned order with utmost circumspection.
4. On careful perusal, I do not find any illegality in the order passed by the Family Court, Uttar Bastar, Kanker. However, the Family Court, Kanker is

directed to frame the issues on the question so raised by the petitioner and that will be tried and decided along with issues at the time of final disposal of the suit.

5. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge