

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****First Appeal (M) No.49 of 2017**

Tejaswi Kumar Sahu, S/o late N.K. Sahu, aged about 36 years,  
R/o Village Mahamaya Chowk, Sarkanda, Police Station  
Sarkanda, District Bilaspur (CG).

---- Appellant

**Versus**

Smt. Rajni Sahu, W/o Tejaswai Kumar Sahu, aged about 28  
years, through Tiharu Ram Sahu, R/o 93-F Risali Sector, Bhilai,  
District Durg (CG).

----Respondent

For Appellant : Mr. Vikas Pandey, Advocate

**Hon'ble Shri Pritinker Diwaker, Acting Chief Justice**  
**Hon'ble Shri Justice Sanjay K. Agrawal**

**Order On Board****Per Pritinker Diwaker, Acting Chief Justice****10/03/2017**

(1) Counsel appearing for the appellant wants to withdraw this appeal with liberty to file petition under Article 227 of the Constitution of India in view of the decision rendered by this Court in the matter of **Anil Mishra v. Sakshi Mishra** passed in **First Appeal (M) No.149/2015**, decided on 22.02.2017 in which this Court has held as under :-

“28. Thus, on the basis of aforesaid conclusion, we are of the considered opinion that an order passed under Section 24 of the Act of 1955 granting maintenance *pendente lite* would not be amenable to appellate jurisdiction under Section 19(1) of the Act of 1984, not being a judgment

under the said provision and would only be amenable to supervisory jurisdiction of this Court under Article 227 of the Constitution of India. Accordingly, we hold that the appeal as framed and filed is not maintainable”.

(2) He is permitted to do so.

(3) Accordingly, the appeal is dismissed as withdrawn with the aforesaid liberty.

(4) Counsel for the appellant submits that Registry be directed to return the certified copy of the impugned order dated 10.01.2017 which has been filed along with this petition.

(5) Registry is directed to return the certified copy of the impugned order provided he supplies the xerox copy of the same.

Sd/-  
**(Pritinker Diwaker)**  
Ag. Chief Justice

Sd/-  
**(Sanjay K. Agrawal)**  
Judge