

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**FAM No. 123 of 2014**

Agardas S/o Shiv Kumar Baghel, Aged About 27 Years, R/o Kaudiya,
P.S. And Tah. Palari, Distt. Baloda Bazar-Bhatapara C.G.

---- Appellant

Versus

Smt. Devkumari W/o Agardas Baghel Aged About 25 Years, R/o Village-
Salouni, P.S. And Tah. Palari, Distt. Baloda Bazar-Bhatapara C.G.,

---- Respondent

For the Appellant	:	Shri A.D. Kuldeep, Advocate
For the Respondent	:	None

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**16/04/2018**

1. Arguments heard on admission.
2. Challenge in this appeal is levied to the order dated 13/10/2014 of District Judge Baloda Bazar passed in Case No. H-15A/2014, whereby and whereunder the trial Court ordered appellant that he shall pay the allowance for the maintenance @ Rs. 2000/- per month to the respondent and also pay the amount of Rs.500/- per hearing to the respondent as the traveling expenses.
3. Appellant had filed an application under Section 13 of the Hindi Marriage Act, 1955 (hereinafter referred to as '*Act 1955*') for dissolution of the marriage solemnized between him and the respondent, *inter alia* respondent filed an application under Section 24 of the Act, 1955.
4. The trial Court on 13/10/2014 passed aforesaid order. Being

aggrieved appellant preferred this appeal.

5. As per the provisions of Section 19(1) of the Family Court Act, 1984 (hereinafter referred to as '*Act 1984*') no appeal shall lie against an interlocutory order.
6. This Court, in the matter of ***Anil Mishra Vs. Sakshi Mishra*** {First Appeal (M) No. 149 of 2015} held on 22.02.2017 Hon'ble Division Bench of this Court had given a finding that an order passed under Section 24 of the Act 1955 is interlocutory in nature, thus, no appeal shall lie against such order. This Court had again followed the aforesaid observation in the matter of ***Gourav Nebhani Vs. Smt. Kavya Nebhani*** in First Appeal (M) No.27 of 2018 (order dated 03.04.2018).
7. Looking to the above mentioned facts and circumstances of the case, judicial precedents laid down in the matter of Anil Mishra and Gourav Nebhani (supra), this Court finds that appeal preferred by the appellant is not maintainable and deserves to and is hereby dismissed in *limine*.
8. I clarify that the dismissal of this appeal as not maintainable will not stand in the way of the appellant seeking any relief before any competent jurisdiction as against the order i.e. impugned in the appeal.

Sd/-

(Sharad Kumar Gupta)
Judge