

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**First Appeal (M) No. 27 of 2018**

Gourav Nebhani S/o Late Arjun Lal Nebhani Aged About 27 Years R/o Satya Sai In Front Of Anand Puri Kutiya, Main Road, Telibandha, Raipur, District- Raipur, Chhattisgarh.(Non- Applicant).

---- Appellant**Versus**

Smt. Kavya Nebhani W/o Gourav Nebhani Aged About 28 Years R/o Flat No. 1, Mahaveen Tower, In Front Of Disha College, Shankar Nagar, Raipur, Chhattisgarh. At Present Address Satya Sai, In Front Of Anand Puri Kutiya, Main Road, Telibandha, Raipur, District- Raipur, Chhattisgarh.(Applicant).

---- Respondent

For Appellant	:	Shri Surya Kant Mishra, Advocate.
For Respondent	:	Shri N.S. Dhurandhar, Advocate.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Sharad Kumar Gupta, Judge.

Judgment on Board**Per Thottathil B. Radhakrishnan, Chief Justice****03/04/2018**

1. We have heard the learned counsel for the Appellant and the Respondent. The Respondent is also present.
2. The Appellant/husband filed an application for divorce on the ground of cruelty. Pending that application, the wife has been granted an order of interim maintenance under Section 24 of the Hindu Marriage Act, 1955. This is challenged through this appeal filed under Section 19(1) of the Family Court Act, 1984.

3. Relying on the judgment of the learned Single Judge passed in First Appeal (M) No.149 of 2015, the learned counsel for the Respondent argued that the appeal is not maintainable since it is not against any final order for payment of maintenance but is only an order for interim maintenance. He accordingly points out that the appeal does not lie. We have gone through the judgment of the learned Single Judge in First Appeal (M) No.149 of 2015. We concur with the views expressed therein.

4. Though this appeal may have to be therefore dismissed as not maintainable, having regard to the totality of the facts and circumstances and the matters relating to the matrimonial tie between the Appellant and the Respondent, we are of the view that this is a fit case where the Family Court could persuade the parties to take recourse to mediation or other modes of alternative disputes resolution.

5. In the result, this appeal is dismissed as not maintainable; the interlocutory orders are vacated and the parties are directed to mark their appearance before the Family Court, Raipur on 17.4.2018 so that the learned Family Judge will consider referring the case for mediation. We also clarify that the dismissal of this appeal as not maintainable will not stand in the way of the Appellant/husband seeking any relief in competent jurisdiction as against the order that is impugned in the appeal.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(Sharad Kumar Gupta)
JUDGE