

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****FAM No. 64 of 2018**

- Smt. Tina @ Rashmi Choudhary W/o Sourabh Soni Aged About 32 Years R/o Pushplok, Shiv Nagar, Dubling Colony, Gondia, Maharashtra

**---- Appellant****Versus**

- Sourabh Soni S/o Tarachand Soni Aged About 36 Years R/o Ramadhin Marg, Rajnandgaon, District Rajnandgaon, Chhattisgarh

**---- Respondent**


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| For Appellant  | : | Shri Malay Shrivastava, Advocate. |
| For Respondent | : | None.                             |

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**Hon'ble Thottathil B. Radhakrishnan, Chief Justice****Hon'ble Shri Justice Sharad Kumar Gupta****Order on Board****Per Sharad Kumar Gupta, Judge****09.04.2018**

1. Heard the learned counsel for the Appellant.
2. In this appeal, the challenge levied by the Appellant is to the order dated 17.01.2018 of the Judge Family Court, Rajnandgaon in C.S. No.24-A/2017, vide Annexure A/1 whereby and whereunder the Trial Court ordered the Respondent that he shall pay the lump-sum amount of Rs.3,000/- to the Appellant as necessary expenses of the proceedings and also pay her Rs.300/- on each date of hearing as travelling allowance.
3. The Respondent has filed a divorce application for dissolution of marriage solemnized between him and the Appellant before the Family Court, Rajnandgaon, *inter-alia* the Appellant filed an application under Section 24 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'Act 1955'). The said application was decided by the Trial Court, as aforesaid. Being aggrieved by that order, the Appellant has preferred this appeal.

4. Shri Malay Shrivastava, Advocate for the Appellant argued that the amount for the necessary expenses of the proceedings is meager and also the amount for the travelling expense is not sufficient as the Appellant resides at Gondia which is 140 Km away from Rajnandgaon. Thus, the impugned order (Annexure A/1) may be modified and the amounts may be enhanced suitably.
5. As per the provisions of Section 19(1) of the Family Court Act, 1984 (hereinafter referred to as 'Act 1984'), appeal shall not lie against an interlocutory order. This Court, in the matter of **Anil Mishra Vs. Sakshi Mishra** {First Appeal (M) No. 149 of 2015} held on 22.02.2017 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).
6. Looking to the above mentioned facts and circumstances, judicial precedents laid down by this Court, we find that aforesaid appeal is not maintainable and deserves to be and is hereby dismissed in limine.
7. We 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 that is impugned in the appeal.
8. Certified copy of the impugned order which is filed alongwith the appeal be returned back to the Appellant after retaining a photocopy of the same.

Sd/-

**(Thottathil B. Radhakrishnan)**  
**Chief Justice**

Sd/-

**(Sharad Kumar Gupta)**  
**Judge**