

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 346 of 2018

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

---- Petitioner

Versus

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

---- Respondent

For petitioner- Shri Malay Shrivastava, Advocate.
For respondent – Shri Varunendra Mishra, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

21/06/2018

1. Both the parties are present in person before the court. Petitioner/wife submits that she is ready and willing to stay alongwith the respondent/husband. Respondent/husband on the contrary submits that he is not able to stay alongwith the petitioner. Considering their submission it appears re-conciliation is not worked out at present, therefore reconciliation is left open for the future.
2. Instant petition is against the order dated 17/01/2018 whereby application under section 24 of the Hindu Marriage Act has been decided and wife has been given Rs.300/- as travelling expenses and amount of Rs.3000/- as litigation expenses. Order under challenge is by the wife.
3. It is contended that wife resides at Gondia and in order to attend court on each and every hearing she has to travel 110 kms and only

meagre amount of Rs.300/- has been allowed. It is further been contended that litigation expenses of Rs.3000/- is also too meagre which has to be relatively enhanced. Learned counsel further submits that petitioner/wife do not have any separate source of income and out of the wedlock child is also there, therefore under the facts of this case order dated 17/01/2018 may be set aside and proper order for litigation expenses and expenses to attend the court while travelling from Gondia may be ordered.

4. Per contra, learned counsel for the respondent supports the order and submits that order is well merited which do not call for any interference.

5. Facts of the case would show that divorce petition in between the parties are pending before the Family Court, Rajnandgaon. The petition has been preferred by the husband/respondent. In the application under section 24 of the Hindu Marriage Act prayer is made against husband to make payment of Rs.5000/- per month as interim alimony and also Rs.50,000/- for litigation expenses. Further impugned order shows that no interim alimony has been granted. Irrespective of the merits of this case, taking into fact that wife as a respondent has to travel all the way from Gondia to Rajnandgaon, Family Court which is approximately as has been stated is 110 kms away and is not disputed by the parties, it is directed that respondent shall be liable to pay Rs.1500/- for travelling expenses on each date to the petitioner. The order also shows that no monthly maintenance has been awarded. Considering the cost index prevailing in society and taking into fact that the respondent/wife resides with her son an amount of Rs.5000/- per month as an interim alimony is granted to the wife/petitioner so as to

maintain herself along with her son. Amount of Rs.3000/- granted for litigation expenses is also further enhanced to be paid to Rs.7500/- to the wife i.e. petitioner.

6. Consequently, petition is allowed and the husband/respondent is directed to pay the aforesaid amount forthwith from the date of application. In absence of payment of the amount consequences will follow.

Sd/-

(Goutam Bhaduri)

JUDGE