

HIGH COURT OF CHHATTISGARH AT BILASPUR**WP227 No. 109 of 2019**

Supriya Daniel, W/o. Jwel Daniel, Aged About 28 Years, D/o. Alfred Michael, R/o. 3/5 Umpire Theater Road, Premnath Commandant Cat, Jabalpur, Madhya Pradesh

---- **Petitioner**

Versus

Jwel Daniel, S/o. Luis Daniel, Aged About 32 Years, Occupation-Government Servant, R/o. Kalkapara, Dongargarh, District-Rajnandgaon, Chhattisgarh.

---- **Respondent**

For Petitioner	:	Ms. Sharmila Singhai, Advocate
For Respondent	:	Mr. Rahim Ubwani, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

24.07.2019

1. This writ petition is directed against the order dated 29.10.2018 (Annexure P/1) whereby learned Additional District Judge has though considered the application under Section 36 of the Divorce Act, 1869 (in short 'the Act'), but has not granted alimony pendente lite in favour of the petitioner.
2. Ms. Singhai, learned counsel for the petitioner would submit that the learned Additional District Judge has though recorded the necessary finding that the petitioner herein is unable to maintain herself and has no source of earning and she is legally wedded wife of

respondent herein, but has omitted to grant alimony pendente lite which deserves to be granted in her favour.

3. On the other hand, Mr. Ubwani, learned counsel for the respondent would oppose the submission of the learned counsel for the petitioner and support the order of learned Additional District Judge.
4. I have heard learned counsel for the parties, considered their rival submissions made hereinabove and went through the records with utmost circumspection.
5. Learned Additional District Judge has clearly recorded the finding that the respondent herein is earning Rs. 13,629/- per month whereas the petitioner has no source of earning. Though she is legally wedded wife of the respondent herein, but while recording the conclusion, no alimony pendente lite has been granted to the petitioner.
6. In view of above, it would be expedient to remit the matter to the learned Additional District Judge, Dongargarh, who will consider the submissions of the parties and pass reasoned and speaking order in accordance with Section 36 of the Act within two weeks from the date of receipt of a certified copy of this order. The parties are at liberty to make the submissions before that Court.
7. With the aforesaid observations/ directions, the writ petition stands disposed off. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge