

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No.174 of 2020

- Dr. Pradeep Kumar Tiwari S/o Late Sitaram Tiwari Aged About 52 Years Resident Of A-9, Jeevan Bihar, Raipur, Police Station - Telibandha, Raipur Tahsil And District - Raipur C.G.

---- *Petitioner*

Versus

- Smt. Alpana Tiwari W/o Mr. Pradeep Tiwari Aged About 51 Years Official Address- Senior Lecturer B.S.P.G.S.S., Sec - 2, Khursipar, Bhilai, District - Durg C.G., Resident Of Bhilai, Sec - 10, B.S.P., District - Durg C.G.

---- *Respondent*

For Petitioner : Dr. Raza Ali, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-02-2020

Heard.

1. This petition has been brought being aggrieved by the order dated 17.12.2019 by which the learned trial Court has erroneously passed the order of granting maintenance to the respondent.
2. The petitioner has filed application under Section 13(1-A) of Hindu Marriage Act, praying for decree of divorce against the respondent. On an application filed by the respondent in which she prayed only for traveling expenses and the expenses of contesting the case, the learned trial Court has erroneously ordered for payment of Rs.2,000 as monthly maintenance, therefore, it is prayed that this order may be set aside.
3. Considered on the submissions made and on perusal of the copy of

application of respondent filed under Section 24 of Hindu Marriage Act, it is found that she had not prayed for grant of maintenance to her but the learned Family Court has although granted expenses for contesting the case which is a proper order but the order for grant of maintenance to the respondent has been made without any prayer. The prayer of the respondent for paying her traveling expenses on the date of appearance has not been at all considered, therefore, this order needs interference. The petition is disposed off at the motion stage. The order granting maintenance of Rs.2,000/- to the respondent is set aside and further the prayer of the respondent for grant of traveling expenses on the date specifically when she gives appearance before the Court is allowed and it is ordered that she shall be given traveling expenses of Rs.1,000/- on every such date when she gives appearance before the court.

4. Accordingly, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Monika