

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 407 of 2020

Ratnesh Pali, S/o. Shri Vijay Kumar Pali, Aged About 33 Years, R/o. - Bajrang Chowk, Mathpara Raipur, Tehsil and District Raipur Chhattisgarh.

---- Petitioner

Versus

Smt. Chetna Pali, W/o. Shri Ratnesh Pali, Aged About 26 Years, Through Father - Vijay Dhangar, R/o. - House No. 09, Road No. 03, Sector 02, Professor Colony, Mahamaya Mandir Ward, Raipur, District Raipur Chhattisgarh.

-----Respondent

For Petitioner : Mr. Y.C. Sharma, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

14/09/2020

1. This petition has been brought being aggrieved by the order dated 05.03.2020, passed by the learned First Additional Principal Judge, Family Court, Raipur whereby relief has been granted to the respondent.
2. It is submitted by the learned counsel for the petitioner that the respondent had filed an application under Section 24 of the Hindu Marriage Act praying for expenses of litigation of Rs.10,000/- lump-sum and Rs.2000/- as expenses for per hearing but the learned Family Court has passed order granting interim maintenance of Rs.4,000/- along with expenses for litigation of Rs.3,000/- in lump sum.

3. It is submitted that the order has been passed without there being any prayer made by the respondent for grant of interim maintenance, whereas, the respondent is already getting interim maintenance in another proceeding filed by her under Section 125 of Cr.P.C., therefore, the order passed for grant of maintenance is totally uncalled for, which is liable to be quashed.
4. Considered on the submissions and also perused the copy of the application under Section 24 of the Hindu Marriage Act, which was filed by the respondent in the pending matter. The respondent has made clear statement and prayed only for grant of expenses for litigation and for expenses to be borne by her per hearing, therefore, the order grant interim maintenance in the impugned order is unsustainable, which is liable to be quashed.
5. Accordingly, the petition is disposed off at the motion stage. The impugned order is interfered with. The order passed by the learned Family Court granting interim maintenance of Rs.4,000/- to the respondent per month is hereby quashed and it is ordered that the prayer made by the respondent for grant of expenses of Rs.2,000/- per hearing is allowed, which shall be paid by the petitioner accordingly on every day the case is listed before the Family Court until its final disposal.

Sd/-
(Rajendra Chandra Singh Samant)
Judge