

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 638 of 2019

Monica Sahu, W/o. Puranlal Sarwa, aged about 25 years, D/o. Taran Sahu, R/o. Sector - 1, Quarter No. 48 B, Bhilai, Tehsil and District - Durg, Chhattisgarh.

---- Petitioner

Versus

Puranlal Sarwa, S/o. Jhariyar Singh Sarwa, aged about 27 years, R/o. Ward No.- 52, Near High School, Hanoda Road, Borsi, Durg, Tehsil and District - Durg, Chhattisgarh.

---- Respondent

For Petitioner	: Mr. Prasoon Agrawal, Advocate
For Respondent	: Mr. Purnendra Khicharia, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/08/2021

1. The present petition under Article 227 of the Constitution of India has been brought being aggrieved by the order dated 29.01.2019, passed in Case No.296/2018, by the Third Additional Principal Judge, Family Court, Durg (C.G.).
2. It is submitted by the learned counsel for the petitioner that the learned Judge of Family Court has allowed the application of the petitioner under Section 24 of the Hindu Marriage Act and ordered that the amount of Rs.3000/- towards expenses and maintenance shall be paid to her on every date of hearing. The maintenance as contemplated under Section 24 of the Hindu Marriage Act has to be on monthly basis, therefore, this order needs interference by this Court in exercise of jurisdiction under Article 227 of the Constitution

of India.

3. Counsel for the respondent opposes the petition and the submission made in this respect. It is submitted that the learned Family Court has not committed any error in passing the impugned order. Therefore, the petition be dismissed.
4. Considered on the submissions. The learned Family Court has passed the order for grant of maintenance and expenses on every date of hearing, which appears to be erroneous and against the provisions of law as the maintenance has to be on monthly basis. Hence, this petition is allowed and disposed off at motion stage on the basis of the limited prayer made by the petitioner's side. It is ordered that the maintenance amount and the expenses, which have been ordered by the Family Court in the impugned order shall now be payable on monthly basis from the date, the order has been passed.

(Rajendra Chandra Singh Samant)
Judge

Balram