CGHC010414642026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 1390 of 2026

1 - Sakshi Chandra W/o Hemant Kumar Chandra, D/o Shyam Kumar Chandra Aged About 25 Years Occupation House Wife, R/o Qr. No. 102, Prachi Vihar Colony, Near T.V. Tower Raigarh, Tahsil And District Raigarh Chhattisgarh.

... Petitioner

Versus

1 - Hemant Kumar Chandra S/o Malik Ram Chandra Aged About 31 Years Occupation Assistant Loco Pilot, R/o Village Ulkhar, Police Station Tahsil Sarangarh, District Sarangarh-Bilaigarh Chhattisgarh.

... Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner	:	Shri Prabhat Kumar Saxena, Advocate.

Hon'ble Shri Justice Ravindra Kumar Agrawal, J

Order on Board

03.11.2026

1. The present writ petition under Article 227 of the Constitution of India has been filed by the petitioner against the impugned order dated 06.05.2026 passed by the Family Court, Raigarh, in Civil Suit No.37-A/2026 whereby the application filed by the petitioner under Section 24 of the Hindu Marriage Act, 1955 (in short, The Act, 1955) was partly allowed and an amount of Rs.4000/- per month has been granted as maintenance pendente lite along with traveling expenses of Rs.200/-

and diet money of Rs.200/- on the date of each hearing and one time litigation expenses of Rs.5000/-.

2. Learned counsel for the petitioner would submit that the petitioner is non applicant before the trial court where the respondent is prosecuting an application under Section 13(1A) of the Act, 1955. In the said proceeding, the non applicant filed an application under Section 24 of the Act, 1955 for grant of maintenance pendente lite and claimed Rs.30,000/- per month as maintenance amount and Rs.50,000/-as litigation expenses. She averred before the trial court that respondent is employed as Assistant Loco Pilot and having sufficient means of his income and despite making her application before the concerned authority, salary slip of the respondent has not been provided to her. In her affidavit submitted before the Family Court, she mentioned that the respondent is employed as Assistant Loco Pilot and having sufficient source of his income, yet without considering the salary of respondent, a meager amount of Rs.4000/- per month has been granted as maintenance pendente lite to the petitioner. The petitioner is having minor child with her and Rs.4000/- is quite insufficient for her day to day expenses. Therefore, the said amount of maintenance pendente lite may be enhanced as claimed by the petitioner before the Family Court.

3. I have heard the counsel for the petitioner and perused the documents annexed with the petition.

4. From perusal of impugned order it transpires that though the petitioner has claimed Rs. Rs.30,000/- per month as maintenance pendente lite and Rs.50,000/-as one time litigation expenses from the respondent,

however, the Family Court has observed that there is no evidence with respect to actual income of the respondent and considering requirement of the petitioner, Rs.4000/- per month as maintenance pendente lite has been granted in her favour. From perusal of affidavit submitted by the petitioner before the Family Court, she only averred that respondent is employed as Assistant Loco Pilot and she herself disclosed his salary as Rs.27,100/-. Though the petitioner has made her effort by filing her application before the concerned authority for providing salary details of the respondent, however, the fact remains that there is no documentary evidence available in the record with respect to salary of the respondent and on the basis of document available on record as also in view of affidavit submitted by the petitioner before the Family Court, the Family Court granted Rs.4000/- as maintenance pendente lite in favour of the petitioner.

5. From perusal of entire document annexed with the petition and from the impugned order, this court does not find any jurisdictional error in granting Rs.4000/- per month as maintenance pendente lite in favour of the petitioner. The petitioner is at liberty to lead evidence to the effect of income of the respondent and to make appropriate application before the Family Court which shall be considered in accordance with law.

6. With the aforesaid observations, the writ petition stands dismissed.

Sd/-
(Ravindra Kumar Agrawal)
Judge

inder