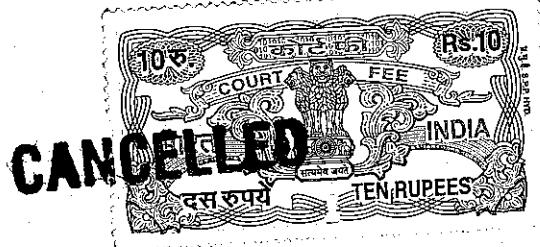


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IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

Division Bench

First Appeal (M) No. 03 / 2014

APPELLANT

APPLICANT

Presented by Shri M. Tiwari
dated 11/11/14

RESPONDENT

NON-APPLICANT

Smt. Kavita Soni W/o Ajay Soni aged about 35 years, R/o Fauvara Chowk, Near Sadar Line, Dongargano, Distt. Rajnandgaon (CG).

VERSUS

Ajay Soni S/o K. P. Soni aged about 37 years R/o Jayanti Nagar, Street No. 9, Near Sai Kirana, Durg (CG).

APPEAL U/S 19 OF FAMILY COURT ACT 1984 READ WITH SECTION 96 OF CIVIL PROCEDURE CODE.





HIGH COURT OF CHHATTISGARH AT BILASPUR

**Coram: Hon'ble Mr.T.P.SHARMA &
Hon'ble Mr.C.B.BAJPAI, JJ.**

First Appeal (M) No.03 of 2014

APPELLANT

Smt.Kavita Soni

Versus

RESPONDENT

Ajay Soni

(First Appeal under Section 19 of the Family Courts Act, 1984)

**Mr.Nishant Hota, counsel for the appellant.
None present for the respondent, although served.**

ORDER

(Passed on 30th January, 2015)

T.P.Sharma, J.:-

1. By this appeal under Section 19 of the Family Courts Act, 1984, the appellant has challenged the legality and propriety of the judgment dated 25.10.2013 passed by the Judge, Family Court, Rajnandgaon, in Civil Suit No.63-A/2012, whereby the Family Court has dismissed the suit for restitution of conjugal rights filed on behalf of the appellant.
2. Heard learned counsel for the appellant, perused the record and judgment impugned.
3. At the outset, as per finding of the Family Court, previously the appellant has filed an application under Section 9 of the Hindu Marriage Act, which she has withdrawn, thereafter she has lodged the report against the respondent under Section 498A of the IPC, which is still pending for consideration.
4. Considering the aforesaid facts and circumstances, the Family Court has arrived at a finding that restitution of conjugal rights in the present case would not be possible.
5. On perusal of the record of the Family Court and finding, we do not find any disagreement from the judgment impugned.
6. Consequently, the appeal being devoid of merit is liable to be and is hereby dismissed. No order as to costs.

**Sd/-
T.P. Sharma
Judge**

**Sd/-
Chandra Bhushan Bajpai
Judge**

BN