

**THE HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**
-
CIVIL MISCELLANEOUS APPEAL No.1139 OF 2014

JUDGMENT: (Per Hon'ble Sri Justice R. Subhash Reddy)

This appeal is filed aggrieved by the order, dated 07.10.2014, passed in H.M.O.P.No.60 of 2005 by the learned Principal Senior Civil Judge, Machilipatnam, by which, the petition filed by the respondent, under Section 9 of the Hindu Marriage Act, 1955, for restitution of conjugal rights, was allowed with a direction to the appellant to take back the respondent into marital fold.

When the matter is called, it is brought to the notice of this Court that the appellant – husband has filed O.P.No.99 of 2001 before the learned Senior Civil Judge, Gudivada, and the said O.P. was dismissed in view of the joint memo filed by the parties, which reads as under:

“The petitioner and respondent are agreed to live together as Husband and Wife as per the advise of Village family elders. Hence the Hon'ble Court may be pleased to dismiss the petition without costs.”

Inasmuch as the O.P. filed by the appellant was dismissed in view of the aforesaid joint memo filed by the parties, we are of the view that the appellant is not entitled to contest this appeal assailing the order of restitution of

conjugal rights.

Accordingly, the appeal is dismissed. Miscellaneous
Petitions, if any, pending in this appeal shall stand closed.
No costs.

R.SUBHASH

REDDY, J

A.SHANKAR

NARAYANA, J

June 17, 2015
MD