

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**FAO No.M-399 of 2014.  
Date of Order: 13.10.2015**

**Kanchan Rani**

**..Appellant**

**Versus**

**Munish Kumar**

**..Respondent**

**CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA  
HON'BLE MS. JUSTICE REKHA MITTAL**

**Present: Mr. Surinder Garg, Advocate,  
for the appellant.**

**Mr. Rajinder Goel, Advocate,  
for the respondent.**

**RAJIVE BHALLA, J (Oral)**

The appellant-wife, challenges judgment and decree dated 23.07.2014, passed by the Additional Civil Judge (Senior Division), Mansa, decreeing the petition, filed under Section 9 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act'), for restitution of conjugal rights.

Counsel for the appellant submits, on one hand, the respondent has filed a petition under Section 9 of the Act and on the other, filed a petition under Section 13 for a grant of decree of divorce, on the ground of cruelty and desertion.

Counsel for the respondent submits, on instructions, from the respondent, who is present in Court, that the appeal may be

allowed and judgment and decree dated 23.07.2014, may be set aside.

We have heard counsel for the parties and in view of statement made by counsel for the respondent, the appeal is allowed, judgment and decree dated 23.07.2014, passed by the Additional Civil Judge (Senior Division), Mansa, is set aside and petition, filed under Section 9 of the Act, is dismissed.

**(RAJIVE BHALLA)**  
**JUDGE**

**October 13, 2015**  
**nt**

**(REKHA MITTAL)**  
**JUDGE**