

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.C.C. No. 3 of 2002**

Rajesh Hennery, aged 32 years, S/o. F. Hennery, Occupation – Service,
R/o. Bharti Nagar, Bilaspur, District - Bilaspur (C.G.)

---- Petitioner**Versus**

1. Smt. Sunila Hennery, aged 38 years, Teacher, R/o. Near Mewra Bag Church, 57 Mewra Bag Allahabad (U.P.)
2. Anil Kumar, aged 40 years, S/o. Not known, R/o. Mewra Bag, Allahabad (U.P.)

---- Respondents

For Petitioner	: Shri Suresh Pandey, Advocate
For Respondents	: None.

Hon'ble Shri Deepak Gupta, Chief Justice
Hon'ble Shri Justice Goutam Bhaduri
Hon'ble Shri Justice P. Sam Koshy

Order on Board**Per Deepak Gupta, Chief Justice****12/08/2016**

1. This is a reference under Section 17 of Indian Divorce Act, 1869 for confirmation of the decree of divorce granted by the learned Fifth Additional District Judge, Bilaspur, under Section 10 of Indian Divorce Act, 1869 vide order dated 26.09.2001 passed in Civil Suit No.38-A/2001.
2. Admitted facts are that the parties are Christian and governed by Indian Divorce Act.

3. The husband filed a petition under Section 10 of the Indian Divorce Act praying that the marriage between him and the wife-respondent No.1, be dissolved on the ground that the respondent No.1 was living in adultery with the respondent No.2.
4. The wife was served but did not appear to contest the petition. The respondent No.2 has also been proceeded ex-parte. The husband led evidence and on the basis of the evidence, the trial Court came to a conclusion that the wife was living in adultery.
5. We have gone through the evidence and we are of the view that the finding arrived at by the learned trial Court is based on the evidence on record. None appears to contest the findings recorded by the learned Court below.
6. Learned counsel for the petitioner submits that the wife has also expired in the year 2010. However, since the decree of divorce has been passed, the reference has to be answered.
7. In view of the above discussion, we confirm the decree of divorce granted by the learned trial Court.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(Goutam Bhaduri)
JUDGE

Sd/-
(P. Sam Koshy)
JUDGE