

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**First Appeal (M) No. 20 of 2016**

Rohit Dubey S/o Ramakant Dubey aged about 31 years R/o Ramadhin Marg
Rajnandgaon Tahsil and District Rajnandgaon (Chhattisgarh)

---- Appellant**Versus**

Smt. Shriya Dubey W/o Rohit Dubey aged about 23 years R/o Rakesh Guru C/o Jai
Prakash Shukla Jhanda Chowk Gopal Ganj District Sagar (Madhya Pradesh)

---Respondent

For Appellant : Shri Tarendra Kumar Jha, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Judgment on Board**Per Navin Sinha, Chief Justice****28/01/2016**

1. The present appeal assails order dated 4.1.2016 by the Family Judge, Rajnandgaon in Civil Suit No.134-A of 2014 rejecting the suit for divorce filed by the Appellant.
2. Learned Counsel for the Appellant submits that since it is a matrimonial matter, the Court may not go by technicalities and may issue notice to the Respondent and then refer the matter to mediation.
3. We are afraid that the stage for the same has not arrived as yet. The Family Judge has only observed that the suit was premature having been filed before the expiry of statutory two years period mandatory on the ground of desertion. If the Appellant files a fresh suit in accordance with law, it is required to be considered on its own merits including issues of mediation without taking into consideration or being prejudiced by any observation in the order dated 4.1.2016 as also our

disinclination to entertain this appeal on the ground of non-compliance with the statutory requirements.

4. The appeal is disposed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE