

FAO M- No. 250 of 2007 (O&M)

Date of decision : February 16, 2016

Balbir Kaur

.....Appellant

Versus

Shamsher Singh

....Respondent

**CORAM:- HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MRS. JUSTICE LISA GILL**Present: Mr. A.P.S. Sidhu, Advocate
for the appellant.

None for the respondent.

RAJIVE BHALLA, J.

The appellant-wife challenges judgment and order dated 23.07.2007 passed by Additional Civil Judge (Senior Division), Muktsar, directing restitution of conjugal rights.

Counsel for the appellant submits that as demands for dowry were not fulfilled, the appellant and the children were thrown out of the matrimonial home in April, 1999. The appellant has been residing separately ever since. The trial Court has recorded a finding that no cogent evidence was led by the parties but surprisingly has accepted the prayer for restitution of conjugal rights.

We have heard counsel for the appellant, perused the impugned order but not inclined to grant any relief to the appellant.

The parties, as is apparent from the facts, were married in the year, 1989, and in the absence of any clear and cogent evidence that the appellant was turned out of the matrimonial home for bringing less dowry etc., we are not inclined to interfere in the impugned order. A plea for restitution of conjugal rights can only be rejected if a spouse living separately is able to prove cogent reasons for living apart. The appellant has not been able to prove by any clear and cogent evidence that she was living apart for any valid reasons.

Consequently, finding no merit, the appeal is dismissed.

(RAJIVE BHALLA)
JUDGE

(LISA GILL)
JUDGE

February 16, 2016
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