

504

FAO-M-218 of 2008

Mamtosh

vs.

Balwan Singh

Present: Mr. Punit Pali, Advocate for
Mr. Surinder Mohan Sharma, Advocate
for the appellant

Respondent-in person

* * * *

Respondent had filed a petition under Section 9 of the Hindu Marriage Act against Mamtosh (now appellant) for restitution of conjugal rights before the Matrimonial Court on 10.8.2007. Decree was granted to him in his favour and against Mamtosh for restitution of conjugal rights on 14.6.2008. This led Mamtosh (wife) to file the present appeal (F.A.O. No. M-218 of 2008) against decree and order dated 14.6.2008.

During the pendency of this appeal the parties i.e. appellant-Mamtosh and respondent-Balwan Singh filed a petition for grant of divorce by mutual consent under Section 13-B of the Hindu Marriage Act before the Matrimonial Court at Ambala. The said petition was allowed on 2.1.2012 (attested copy of the judgment and decree placed on record). In fact, in Criminal Misc. No. M-17778 of 2011 (attested certified copy placed on record) appellant-Mamtosh had also filed an affidavit to the effect that the matter has since been compromised and she has no objection if FIR No. 104 dated 1.9.2005 under Section 406/498-A is quashed. Consequently, FIR was also quashed on 20.9.2011.

Respondent has made a statement that in view of the above, this appeal has been rendered infructuous and the same be disposed of as such.

Ordered accordingly.

Copy of the order and statement be supplied/sent to the counsel/parties and file be returned to the High Court.

(R.S.MONGIA)
PRESIDENT

(ARVIND KUMAR)
MEMBER

07.04.2016

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