

FAO-M-89-2010

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

469

FAO-M-89-2010

Date of Decision: May 16, 2016

SUKHBIR SINGH

-APPELLANT

VS

MANDEEP KAUR

-RESPONDENT

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL
HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr. Dhirinder Chopra, Advocate
for the appellant.

Mr. Harkaran Singh, Advocate
for the respondent.

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RAJ MOHAN SINGH, J.

{1}. This appeal has arisen from the judgment dated 13.10.2009 passed by the trial Court in a petition under Section 9 of the Hindu Marriage Act filed by Sukhbir Singh seeking restitution of conjugal rights.

{2}. Since FAO No. 88 of 2009 titled as Sukhbir Singh vs Mandeep Kaur arising out of judgment dated 13.10.2009 passed by the trial Court under Section 11 of the Hindu Marriage Act has been dismissed today vide judgment of even date, therefore, the petition

under Section 9 of the Hindu Marriage Act filed by Sukhbir Singh and appeal arising therefrom i.e. FAO No. 89 of 2009 cannot be considered over and above the decision passed in the main case.

{3}. Since customary divorce in favour of Sukhbir Singh from his earlier wife Kuldip Kaur could not be substantiated in terms of pleadings and evidence, therefore with the acceptance of petition under Section 11 of the Hindu Marriage Act in favour of Mandeep Kaur and dismissal of appeal against that order at the instance of Sukhbir Singh would entail in dismissal of this appeal as well.

{4}. For detailed discussion, see judgment of even date passed in FAO No.M-88 of 2009 titled as Sukhbir Singh vs. Mandeep Kaur.

(RAJ MOHAN SINGH)
JUDGE

(M. JEYAPPAUL)
JUDGE

16.05.2016

Jyoti Y.