

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION [CAS] NO.787 OF 2015
IN
SECOND APPEAL NO.418 OF 2015

(Kirti w/o Dinesh Sharma
 vs.
 Dinesh Premraj Sharma)

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*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

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Court's or Judge's Orders

CORAM : V.M. DESHPANDE, J.
DATE : 29th NOVEMBER, 2017.

This is an application for stay.

Learned Counsel Shri V.D. Muley for the applicant/appellant submits that in view of reply filed on behalf of the non-applicant/respondent to this application that he has already married, he is not pressing the application and is seeking permission to withdraw the application without prejudice to challenge the legality of the subsequent marriage of the respondent.

Civil application is allowed to withdraw with liberty, as prayed for.

Civil Application [CAS] No.788/2015:

This is an application for dispensing with filing of certified copies of judgments and decrees of

the trial Court and the appellate Court.

Heard Shri V.D. Muley, learned Counsel for the applicant/appellant.

The appellant filed petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. At the same time, respondent filed a petition for divorce on the ground of cruelty. By a common judgment, the learned Judge of the trial Court allowed the petition for restitution of conjugal rights filed by the appellant and dismissed the petition for divorce filed by the respondent. Two different appeals were filed by the respondent-husband before the learned lower appellate Court questioning the correctness of the aforesaid two decrees. The lower appellate Court vide common judgment allowed both the appeals filed by the respondent-husband thereby the petition under Section 9 of the Hindu Marriage Act filed by the appellant-wife was dismissed and divorce was granted in favour of the respondent. Against such common judgment, two different second appeals filed before this Court i.e. Second Appeal No.417/2015 and Second Appeal No.418/2015.

Learned Counsel Shri V.D. Muley submits that he has already filed a certified copies of common

judgments of both the trial Court as well as the lower appellate Court in Second Appeal No.417/2015. Therefore, he submits that filing of the certified copies in this appeal i.e. Second Appeal No.418/2015 be dispensed with.

In view of the aforesaid reasons as stated by the appellant, the present application is allowed and filing of certified copies of the judgments and decrees of the trial Court as well as the lower appellate Court stands dispensed with.

Civil application is allowed and disposed of.

JUDGE

**sdw*