

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

FAM No. 199 of 2017

Smt. Malti Chandra W/o Ram Kumar Chandra, Aged About 32 Years Caste Chandra, R/o Village Pihrid, D/o Bhawani Lal Chandra, R/o Village Jharpali, Police Station And Tahsil Sarangarh, District Raigarh, Chhattisgarh., Chhattisgarh

---- Appellant

Versus

Ramkumar Chandra S/o Nehru Lal Chandra, Aged About 35 Years R/o Village Pihrid, Police Station And Tahsil Malkhroda, District Janjgir- Champa, Chhattisgarh., Chhattisgarh

---- Respondent

For Appellant	:	Shri Dashrath Kushwaha, Advocate
For Respondent	:	Shri Pawan Shrivastava, Advocate

Division Bench : Hon'ble Mr. Justice Manindra Mohan Shrivastava
Hon'ble Mrs. Justice Rajani Dubey

Order On Board

18/07/2018

1. This appeal has been filed by the appellant-wife against judgment and decree dated 5.4.2016 passed by learned Family Court, Sakti in Civil Suit No.44-A of 2015 whereby the application of the respondent-husband under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights has been allowed.
2. Learned counsel for the respondent, at the outset, submits that during pendency of the present appeal, a decree of divorce has been passed in favour of respondent-husband on 9.5.2018.
3. In view of subsequent development of the aforesaid judgment, the respondent cannot insist for restitution of conjugal rights and now, the decree passed in his favour, impugned in this appeal, cannot be executed. Therefore, this

appeal is finally disposed off as having been rendered infructuous. However, the appellant-wife would be at liberty to file appeal against the judgment and decree of divorce.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge