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HIGH COURT OF CHHATTISGARH, BILASPUR

First Appeal (M) No.78 of 2014

Sanjay, son of Teej Ram, aged about 24 years, Caste Satnami, Occupation Service, R/o Village Singhanpur, P.S. and Tahsil Saranggarh, Civil and Revenue District Raigarh, Chhattisgarh

---- Appellant

versus

Deepak @ Ritika, wife of Sanjay Nirala, aged about 23 years, Caste Satnami, Occupation Shelter, R/o Village Pindari "D", P.S. and Tahsil Saranggarh, Civil and Revenue District Raigarh, Chhattisgarh

--- Respondent

For Appellant	:	Shri Raghvendra Pradhan, Advocate
For Respondent	:	Shri Arvind Shrivastava, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

8.2.2018

1. By the instant appeal preferred under Section 28 of the Hindu Marriage Act, 1955 (henceforth 'the Act of 1955'), the Appellant/husband has challenged the legality and propriety of the judgment and decree dated 28.7.2014 passed by the Additional District Judge, Sarangarh, District Raigarh in Civil Suit No.15-A of 2014 allowing the application of the Respondent/wife under Section 9 of the Act of 1955 for restitution of conjugal rights.
2. By the judgment passed by this Court today in the connected First Appeal (M) No.79 of 2014, the marriage between the parties has been dissolved and a decree of divorce has been granted to them. Therefore, the instant appeal, which has been preferred by the Appellant/husband against passing of a decree under Section 9 of the Act of 1955 against him for restitution of conjugal rights sought for by the Respondent/wife, becomes infructuous.
3. The instant appeal is, therefore, dismissed as having become infructuous.
4. A decree be drawn up accordingly.
5. Record of the Court below be sent back along with a copy of the judgment and decree passed in this appeal forthwith.

Sd/-

(Arvind Singh Chandel)
Judge