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HIGH COURT OF CHHATTISGARH, BILASPUR**FAM No. 150 of 2015**

- Sunil Yadav S/o Ram Murat Yadav, Aged About 33 Years R/o L I G- 246, Maharana Pratap Nagar, Korba, Tehsil And Distt.- Korba, ChhattisgarhNon-Applicant, Chhattisgarh

---- Petitioner

Versus

- Smt. Uditā Yadav W/o Sunil Yadav, Aged About 28 Years R/o L I G- 246, Maharana Pratap Nagar, Korba, Tehsil And Distt.- Korba, Chhattisgarh, At Present R/o C/o Ram Manohar Yadav, Near Jail Gate, Infront Of Church, Raigarh, Tehsil And Distt.- Raigarh, ChhattisgarhApplicant, Chhattisgarh

---- Respondent

For Appellant
For Respondent

Mr. Qamrul Aziz, Advocate
Nr. VK Pandey, Advocate

Hon'ble Mr. Justice Prashant Kumar Mishra &**Hon'ble Mrs. Justice Vimla Singh Kapoor****Order on Board by****Prashant Kumar Mishra, J.****17/1/2019**

1. Heard.
2. The impugned decree for restitution of conjugal rights has been passed on 29.9.2015. More than three years have elapsed after the decree. Prior to this decree, the appellant's suit for grant of decree for divorce has already been dismissed and the respondent's application under Section 125 of Cr.PC has been allowed and she is receiving Rs.3000/- per month as

maintenance.

3. In the present matter, the trial Court has recorded a finding that the respondent is willing to reside with the appellant but the appellant is not ready to allow her to stay in the marital house.
4. It appears, the parties are in litigation for divorce, restitution of conjugal rights and maintenance and it may not be possible for them to stay together as efforts for mediation before the High Court Mediation Center has also failed.
5. The finding recorded by the trial Court that the appellant is not willing to keep his wife with him and further finding that the respondent is residing separate because of the behaviour, attitude and conduct of the appellant and not without any lawful reason, are duly supported by the evidence of the respondent and her witnesses.
6. The decree for restitution of conjugal rights has been passed rightly in the obtaining factual matrix and the evidence adduced by the parties.
7. No case for interference with the impugned order and decree is made out.
8. The appeal deserves to be and is accordingly dismissed.

Sd/-

(Prashant Kumar Mishra)

Judge

Sd/-

(Vimla Singh Kapoor)

Judge

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