

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

FAO-M-1906-2019 (O&M)

Date of Decision: 08.03.2019

NAVJOT KUMAR

...Appellant

Vs.

SHASHI KIRAN

.... Respondent

CORAM: **HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.**
 HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Neetu Singh Rana, Advocate,
 for the appellant.

This appeal is filed against the judgement and decree dated 21.02.2019 passed by the District Judge, Family Court, Shaheed Bhagat Singh Nagar, in a petition under Section 9 of the Hindu Marriage Act, 1955, for restitution of conjugal rights filed by the appellant-husband.

While proceedings in the petition filed under Section 9 were pending, on 21.02.2019 RW2-Harmesh Kumar was bound down for 14.03.2019 and on the same day a statement was suffered by the respondent, that she is ready and willing to reside at her matrimonial home without any condition. Her statement was separately recorded which is reproduced as under: -

“I am ready to join the matrimonial home with petitioner Navjot Kumar without any condition. I shall reside with him, with love and affection and shall perform all the duties of wife.”

In view thereof, hearing of the said case was pre-poned to 09.03.2019 for passing of final order in the Lok Adalat. Learned counsel for the appellant was also directed to bring the appellant in the Court on the date fixed.

This order has been challenged in the present appeal by the appellant to contend that the respondent-wife has merely made a statement as she may not join the matrimonial home.

We have heard learned counsel for the appellant and after examining the record, are of the considered opinion that once the statement has been recorded by the wife on 21.02.2019 and signed by her after it was read over to her and accepted to be correct, the apprehension in the mind of the appellant is unwarranted.

In view of the above, we do not find any merit in the present appeal and the same is hereby dismissed, though without any order as to costs.

[RAKESH KUMAR JAIN]
JUDGE

March 8, 2019
Ess Kay

[HARNARESH SINGH GILL]
JUDGE

<i>Whether speaking / reasoned</i>	:	Yes	/	No
<i>Whether Reportable</i>	:	Yes	/	No