

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

**FAO-2875-2019 (O&M)
Decided on : 06.09.2019**

Ritu

... Appellant(s)

Versus

Satyanarayan

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

PRESENT: Mr. S.S. Gullia, Advocate
for the appellant(s).

Mr. Kuldeep Choudhary, Advocate for
Mr. S.K. Verma, Advocate
for the respondent(s).

RAJAN GUPTA, J. (Oral)

CM-9918-CII-2019

This is an application under Section 5 of the Limitation Act seeking condonation of 04 days delay in filing the appeal.

In view of the averments made in the application, same is allowed and delay in filing the appeal is condoned.

FAO-2875-2019

Present appeal is directed against the order dated 20th February, 2019, passed by the Family Court at Bhiwani, whereby, application of the appellant-wife (respondent therein) under Section 24 of the Hindu Marriage Act, 1955 (for brevity 'the Act'), had been dismissed. She has impugned the same *inter alia* on the ground that the court below made certain observations on merits while the evidence is yet to be led. The relevant para referred by counsel for the appellant reads as under:-

“5. *It is pertinent to mention here that during the course of arguments, Shri Rajesh Arya, learned counsel for petitioner-*

husband placed Hindi Translation of conversation of the parties to petition. There are some communications in between the parties to petition, which duly reveal that there is some kind of admission on behalf of applicant-respondent regarding sexual act with others.”

It is evident that the observations made in para above warrant intervention in view of fact that no evidence has been led by the parties so far.

In view of this, we deem it fit to set aside the order and remit the case to the same court for deciding afresh as per law.

Appeal stands allowed in aforesaid terms.

(RAJAN GUPTA)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

September 06, 2019

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No