

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

FAO-M-129-2019 (O&M)
Date of Decision: 10.05.2019

Renu Thapar

. Appellant

Vs.

Amit Mehta

. Respondent

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

Present: - Mr.Karanjeet Singh Brar, Advocate,
for the appellant.

RAKESH KUMAR JAIN, J. (ORAL)

This appeal is filed by the wife against the judgment and decree dated 20.02.2018 by which a petition filed by the husband under Section 9 of the Hindu Marriage Act, 1955 [for short 'the Act'] for seeking restitution of conjugal rights, has been allowed.

In brief, marriage of the parties was solemnized on 02.05.2015 as per Hindu rites and ceremonies. The respondent-husband filed a petition under Section 9 of the Act alleging that on 18.9.2015, the appellant-wife had left the matrimonial home without any reasonable cause. After notice, the appellant had put in appearance but did not lead any evidence despite availing several opportunities, therefore, her evidence was closed by order of the Court. Thereafter, the learned Court below allowed the petition under Section 9 of the Act on 20.2.2018.

The present appeal has been filed with a delay of 352 days along with an application for condonation of delay.

Learned counsel for the appellant has submitted that the appellant did not contest the petition filed under Section 9 of the Act because she wanted to live with the husband as there was a compromise between them and she was residing with her husband. It is submitted that the appellant is still ready and willing to live with the respondent-husband.

In view thereof, once the appellant-wife herself is ready and willing to live with the respondent-husband, who has obtained a decree under Section 9 of the Act, there is no ground to challenge the said decree for the purpose of interference of this Court. Hence, the present appeal is found to be misconceived and the same is hereby dismissed.

(RAKESH KUMAR JAIN)
JUDGE

(HARNARESH SINGH GILL)
JUDGE

10.05.2019

Vivek

Whether speaking /reasoned : *Yes/No*

Whether Reportable : *Yes/No*