

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
FAM No. 185 of 2015

- Smt. Kalpana Mahana W/o Jagdish Prasad Mahana, Aged About 28 Years D/o Shri Jayanarayan Sahu, R/o Village- Kulita Tukura, Tahsil And P.S. Attabira, District Bargarh Odisha.

---- Appellant

Versus

- Jagdish Prasad Mahana S/o Laxmi Prasad Mahana, Aged About 31 Years R/o Village Pusour, P.S. Pusour, Tahsil- Raigarh, District- Raigarh, Chhattisgarh.

---- Respondent

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- Shri Ramesh Nayak, Counsel for the appellant.
 - Shri Awadh Tripathi and Shri Raj Bahadur Singh, counsel for the respondent.
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D.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

Per Manindra Mohan Shrivastava, J.

12.06.2020

Heard.

Learned counsel for the respondent Mr. Awadh Tripathi and Shri Raj Bahadur Singh do not dispute that during the pendency of this appeal a decree of divorce by mutual consent has been made between the parties.

Learned counsel appearing for the appellant Mr. Nayak, at the outset, submits that during the pendency of the present appeal, a decree of divorce by mutual consent has been passed by the Family Court at Bargarh. He submits that having received such instruction

from the parties, appropriate order may be passed in the present case.

In view of the statement, made by the learned counsel for the appellant, said to be based on instruction from the appellant, in our opinion, present appeal, no longer survive for adjudication, this being an appeal against grant of restitution of conjugal rights in favour of husband/respondents.

Since now a decree of divorce by mutual consent has been passed, there is no continuing legal obligation on the part of the appellant or respondent for living in conjugal relationship. In that view of the matter, impugned judgment decree is set aside and respondent's suit is dismissed.

Let appellate decree be drawn accordingly.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge