

HIGH COURT OF CHHATTISGARH, BILASPUR

FAM No. 16 of 2016

- Chatrapal Lahre S/o Bhasker Lahre, Aged About 32 Years Caste Suryavanshi, R/o Village Mehendi, Tahsil Pamgarh, Thana Shivrinarayan, Distt. Janjgir-Champa, Chhattisgarh.

---- Appellant

Versus

- Smt. Rajni Lahre W/o Chatrapal Lahre, Aged About 30 Years Caste Suryavanshi, R/o Village Padriya, Tahsil Pamgarh, Thana Shivrinarayan, Distt. Janjgir-Champa, Chhattisgarh.

---- Respondent

For Appellant - Shri Parag Kotecha, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Hon'ble Smt. Justice Rajani Dubey

Order On Board

By

Hon'ble Shri Prashant Kumar Mishra J.

12/03/2021

1. Shri Kotecha, learned counsel for the appellant had informed on the previous dates of hearing that proceeding for grant of decree of divorce was initiated by the respondent in 2015. On such statement being made we had called for a report from the concerned Family Court which has been sent to this Court on 09-03-2020.
2. According to the report received from the Family Court, Janjgir-Champa, both the parties have filed an application for grant of divorce by mutual consent under Section 13 B of the Hindu Marriage Act, 1955 and the said proceeding are pending.
3. In view of the above, upon filing of an application under Section 13 B of the Act, 1955 jointly by both the parties, this appeal arising out of

proceeding under Section 9 of the Act, 1955 for restitution of conjugal rights may not survive.

4. Shri Kotecha, learned counsel for the appellant seeks permission of the Court to withdraw the appeal with liberty to revive the appeal if the cause of action subsist.
5. Accordingly, the present FAM is dismissed as withdrawn with the aforesaid liberty.

SD/-

(Prashant Kumar Mishra)
Judge

SD/-

(Rajani Dubey)
Judge

Amardeep