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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No. 184 of 2019

Smt. Sushma Yadu, W/o. Shri Naresh Kumar Yadav, aged about 33 years, R/o. L.I.G.-110, Atal Housing Board, Dindayal Upadhyay Nagar, Rajnandgaon, District- Rajnandgaon, Chhattisgarh.

---- Petitioner

Versus

Naresh Kumar Yadav, S/o. Late Radhelal Yadav, aged about 40 years, R/o. Ward No.14, Ganjpara Ambagarh Chowki, Tahsil Ambagarh Chowki, District- Rajnandgaon

---- Respondent

For Petitioner : Mr. Atul Pandey, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

27/07/2021

1. This petition has been brought being aggrieved by the order dated 27.11.2018, passed by the learned Family Court, Rajnandgaon, dismissing the application filed by the petitioner/plaintiff praying for medical examination of the respondent on the ground that respondent is impotent.
2. It is submitted that the petitioner has filed an application under Section 13 (1) (a) of the Hindu Marriage Act praying for decree of divorce against the respondent. The grounds in the petition are cruelty against the petitioner, there is also one ground raised in the application that respondent has never consummated the marriage with the petitioner. Hence, on this basis, the petitioner wants medical examination of the respondent to prove that he is

impotent.

3. Considered on the submissions.
4. Section 13 (1) of the Hindu Marriage Act, 1955 does not mention of any ground of impotency for the purpose of granting divorce to one of the spouses, therefore, in such case, the medical examination of the respondent for his potency or impotency is not essential. The petitioner is at liberty to bring proof on the pleadings, she has made in the application for divorce. Therefore, this petition is disposed off at motion stage.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram