

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**FA(MAT) No. 90 of 2020**

- Pooja Rajput W/o Anil Rajput Aged About 25 Years R/o Village Pahda, Tehsil Berla, District Bemetara, Chhattisgarh, And Also At Village Maroda, Utai Road, Azad Para, Near Maroda Tank, Maroda, Bhilai District Durg, Chhattisgarh.

---- Appellant**Versus**

- Anil Rajput S/o Gajanand Rajput Aged About 33 Years R/o Village Pahda, Tehsil Berla, District Bemetara, Chhattisgarh.

---- Respondent

For Appellant	: Mr. Ashwin Panickar, Adv.
For Respondent	: Mr. Samir Singh, Adv.

DB : Hon'ble Shri Justice P. Sam Koshy, J.**Hon'ble Smt. Justice Rajani Dubey, J.****Order on Board**Per: Hon'ble Shri Justice P. Sam Koshy, J.**11.11.2021**

1. Aggrieved of the impugned order (Annexure A/1) dated 14.01.2020 passed in Civil Suit No. 25A/2019 by the Family Court Bemetara, District Bemetara (C.G.), the present appeal under Section 19(1) of the Family Courts Act has been filed in which the learned Court below has allowed the application under Section 9 moved by the respondent under the provisions of the Hindu Marriage Act 1955. The Court below by the impugned order has allowed the application for Restoration of Conjugal Rights and has directed the appellant (respondent herein) to restore the marital life of the appellant with the respondent.
2. Assailing the order of the Court below, learned counsel for the

appellant submits that learned Court below has erred both on facts and on law while allowing the application for Restoration of Conjugal Rights. According to the appellant, the Court below has failed to appreciate the evidence which has been adduced by the appellant herein before the Court below wherein there has been specific allegations of ill-treatment by the family members of the respondent/husband. It is the further contention of the appellant that the necessity to prefer an appeal also is on the allegations that has been placed on record of the respondent/husband while pursuing the application under Section 9 of the Hindu Marriage Act 1955.

3. Opposing the appeal learned counsel for the respondent however submits that the respondent is otherwise keen to have marital relationship with the appellant/wife in which they were entered into on 27.04.2017. According to the counsel for the respondent, the very fact that the appellant and the respondent have moved an application under Section 9 of the Hindu Marriage Act goes to establish the fact that he is still keen to reunite and stay with the appellant/wife and it was for this endeavour on his part that he has moved an application under Section 9 of the Hindu Marriage Act.
4. Having heard the contentions put forth on either side as also on perusal on records, particularly taking note of the evidences which have been duly considered by the Court below, we do not find any perversity or illegality on the part of the Court below in reaching to the conclusion that he has arrived at in the course of allowing the application under

Section 9 of the Hindu Marriage Act. The appellant also has not been able to point out any strong irregularity or any grave illegality both on facts as on law in the course of the Court below passing of the impugned order.

5. Given the said facts and circumstances of the case, we do not find any merits in the instant appeal filed under Section 19(1) of the Family Court Act as a consequence affirming the order dated 14.1.2020 passed in Civil Suit No. 25A/2019 by the Family Court Bemetara. Accordingly, the appeal stands rejected.

Sd/-
(P. Sam Koshy)
Judge

Sd/-
(Rajani Dubey)
Judge

V/-