

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

FAO-756 of 2018

Date of Decision:-13.09.2022

Anita Kumari

...Appellant

Versus

Vijay Kumar

...Respondent

CORAM:- HON'BLE MS. JUSTICE RITU BAHRI

HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Dhawaljeet Dutta, Advocate
for the appellant.

Mr. Vishal Munjal, Advocate
for the respondent.

RITU BAHRI, J.(Oral)

The appellant in the present case came up in appeal against the judgment dated 25.9.2017 passed by the District Judge (Family Court), Pathankot, by which, petition filed by the respondent-husband under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights was allowed.

Notice of motion in the present case was issued on 05.2.2018, there was no interim stay granted and as per the report of the Mediator dated 08.1.2019, wherein it was observed that since the appellant remained absent, mediation could not take place, hence, the mediation had failed.

Today when the case has taken up, it has been informed by

learned counsel for the respondent that the respondent-husband has already filed a divorce petition on 16.3.2018, which is pending in the Court at Pathankot.

Since there was no stay of this order and the divorce petition is now pending before the Court at Pathankot, nothing survives in the present matter.

Dismissed.

(RITU BAHRI)
JUDGE

September 13, 2022
Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No