

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

FAMILY COURT APPEAL NO.31 OF 2020

**RAHUL ANNASAHEB FALKE
VERSUS
PRIYADARSHANI RAHUL FALKE**

...
Advocate for Appellant : Mr. Nitin T. Tribhuwan
AGP for Respondents: Mr. Parag V. Barde

...
**CORAM : MANGESH S. PATIL AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 06.02.2023

PER COURT :

We have heard both the sides.

2. The husband is before us challenging the order passed by the family court rejecting his petition for restitution of conjugal rights preferred under Section 9 of Hindu Marriage Act, 1956.

3. The learned advocates of both the sides are unanimous that apart from the order under challenge, there was a decree for divorce as well in petition filed by the wife. Since that judgment and order has not been appealed against, that has reached finality.

4. Once it is admitted that the decree of divorce has reached finality, this appeal which merely challenges the order of the family court refusing restitution becomes infructuous.

5. The appeal is disposed of.

(S.G. CHAPALGAONKAR, J.)

(MANGESH S. PATIL, J.)