

Punjab-Haryana High Court

Mrs. Simran Goel @ Alka Gupta vs Mr. Amar Prabhu Goyal on 14 July, 2009

FAO No. M-141 of 2008 (O&M)

- 1 -

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. M-141 of 2008 (O&M)

Date of decision: 14.07.2009

Mrs. Simran Goel @ Alka Gupta

....Appellant

Versus

Mr. Amar Prabhu Goyal

....Respondent

CORAM: HON'BLE MR. JUSTICE VINOD K. SHARMA

Present: - Mr. Raman Mahajan, Advocate,
for the appellant.

Mr. Amar Vivek, Advocate,
for the respondent.

VINOD K. SHARMA, J (ORAL) CM No. 11312-CII of 2008 Allowed. Appellant is exempted from filing the certified copies of Annexures A-1 to A-4.

FAO No. M-141 of 2008 The parties were called for re-conciliation. Respondent- husband has given his unconditional consent to take the wife on any condition, which may be imposed by this Court or may be desired by the wife, but the appellant-wife is adamant, and has taken categorical stand, that she is not willing to go with the husband, on account of his past conduct.

This appeal has been filed against the judgment dated FAO No. M-141 of 2008 (O&M) 25.4.2008 passed by the learned Civil Judge (Junior Division), Chandigarh, exercising the powers of District Court, on a petition filed under Section 9 of the Hindu Marriage Act.

Appeal under Section 28 of the Hindu Marriage Act lies against a decree. The appeal as filed is, therefore, not competent. The learned counsel for the appellant states that learned Court did not frame decree, as the petition filed was treated as infructuous. The learned Court while deciding the petition under Section 9 of the Hindu Marriage Act was required to draw a decree.

This case is, therefore, remanded back to the learned trial Court for drawing a decree.

Appeal disposed of.

(Vinod K. Sharma) Judge July 14, 2009 R.S.