

IN THE HIGH COURT OF JHARKHAND AT RANCHI
First Appeal No.72 of 2019

.....

Chandani Jain	Versus	--- --- Appellant
Manoj Kumar Jain		--- --- Respondent

With
First Appeal No. 27 of 2011

.....

Manoj Kumar Jain @ Manoj Jain	Versus	--- --- Appellant
Chandni Jain		--- --- Respondent

CORAM: The Hon'ble Mr. Justice Aparesh Kumar Singh
The Hon'ble Mrs. Justice Anubha Rawat Choudhary
Through Video Conferencing

For the Appellant	: Mr. Mahesh Tewari, Adv.
For the respondent	: Mr. Raja Ravi Shekhar Singh, Adv. (in First Appeal No.72 of 2019)
For the Appellant	: Mr. Satish Kr. Keshri, Adv.
For the respondent	: Mr. Rajeeva Sharma, Sr. Adv. Ms. Rita Kumari, Adv. (in First Appeal No.27 of 2011)

05/21.10.2020 Mediation has failed as per the report at Flag-B bearing letter no.485 dated 17.03.2020 submitted by learned Mediator, JHALSA.

Parties in both the appeals are the spouses. In F.A. No.72/2019 the appellant is the wife aggrieved by the dismissal of TMS (Divorce) 88/2014 seeking decree of divorce under Section 13(1)(ib) and Section 13 (2) (iii) of the Hindu Marriage Act vide judgment dated 12.12.2018 and decree dated 21.12.2018 passed by the court of learned Principal Judge, Family Court, Sahibganj, Camp at Rajmahal. In F.A. No.27/2011 appellant is the husband aggrieved by the dismissal of Title Matrimonial Suit No.43/2009 seeking restitution of conjugal rights under Section 9 of the Hindu Marriage Act vide judgment dated 9th March 2011 and decree dated 22nd March 2011 passed by the court of learned Principal Judge, Family Court, Sahibganj.

Both the appeals are admitted for hearing. Let lower court records be called for in F.A. No.72/2019 in connection with TMS (Divorce) 88/2014 from the court of learned Principal Judge, Family Court, Sahibganj, Camp at Rajmahal. Let lower court records be called for in F.A. No.27/2011 in connection with Title Matrimonial Suit No.43/2009 from the court of learned Principal Judge, Family Court, Sahibganj.

Learned counsel for the appellant Mr. Satish Kumar Keshri in F.A. No.27/2011 submits that the appellant has taken away the file and he would be giving no objection.

Mr. Raja Ravi Shekhar Singh, who represents the same party as respondent in F.A. No.72/2019, undertakes to enter appearance after receipt of the no objection on behalf of the appellant Manoj Kumar Jain in F.A. No.27/2011. He submits that some developments have taken place during pendency of these appeals regarding acquittal of the husband in a criminal case instituted under Section 498A of the I.P.C. by the wife at the appellate stage. He is at liberty to file supplementary affidavit to bring on record the relevant judgment.

Since out of these two appeals, the earlier one is of 2011, office should list the appeals for hearing as per the chronology of F.A. No.27/2011 after receipt of the lower court records.

(Aparesh Kumar Singh, J.)

(Anubha Rawat Choudhary, J.)

Shamim/