

**HON'BLE SRI JUSTICE R. SUBHASH REDDY**

**AND**

**HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

**CIVIL MISCELLANEOUS APPEAL No.651 OF 2006**

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**JUDGMENT:** (Per Hon'ble Sri Justice R. Subhash Reddy)

This appeal is filed by the appellant - wife under Section 28 of the Hindu Marriage Act, 1955 ( for short 'the Act'), aggrieved of the order and decree, dated 27-04-2006, in O.P. No.2 of 2003, passed by the learned Senior Civil Judge, Jagtial.

2. The appellant – wife herein filed O.P. No.2 of 2003 under Section 9 of the Act seeking for restitution of conjugal rights. At the same time, respondent – husband filed O.P. No.51 of 2003 under Section 13 (1) (i) (ia) of the Act for grant of decree of divorce dissolving his marriage with the appellant - wife.

3 .The learned Senior Civil Judge disposed of both the petitions, by a common order, dated 27-04-2006, dismissing O.P. No.2 of 2003 filed by the appellant - wife herein for restitution of conjugal rights, while allowing O.P. No.51 of 2003 filed by the respondent – husband for grant of decree of divorce.

4. Aggrieved by the order and decree, dated 27-04-2006, passed by the trial Court in O.P. No.2 of 2003, dismissing the petition filed under Section 9 of the Act, the appellant – wife preferred the present appeal.

5. Today, when the matter has been taken up for hearing, it is fairly

conceded by the learned counsel for the appellant that the appellant – wife did not choose to challenge the order and decree passed by the trial Court in O.P. No.51 of 2003, granting decree of divorce dissolving the marriage between the appellant and respondent herein. In-as-much-as the decree of divorce has become final; we are of the view that the appellant – wife is not entitled for the relief sought in the present appeal.

6. Accordingly, the CMA is dismissed. No order as to costs.

7. As a sequel, miscellaneous applications, if any, pending in this appeal shall stand closed.

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**R. SUBHASH REDDY, J**

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**A. SHANKAR NARAYANA, J**

**June 04 2015.**

**Mgr**