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**IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR  
BEFORE  
HON'BLE SHRI JUSTICE ROHIT ARYA  
&  
HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE  
ON THE 7<sup>th</sup> OF JULY, 2022  
FIRST APPEAL No. 728 of 2021**

**Between:-**

**SMT.DIMPLE@RANI RAWAT D/O SHRI KAMAL  
SINGH RAWAT W/O ASHOK RAWAT  
OCCUPATION: STUDENT, R/O VILLAGE PATAI  
THANA AROUN DISTT. GWALIOR (MADHYA  
PRADESH)**

**.....APPELLANT**

**(BY SHRI R.S. YADAV-ADVOCATE)**

**AND**

**ASHOK RAWAT S/O SURESH RAWAT , AGED  
ABOUT 29 YEARS, OCCUPATION: KASTKARI,  
R/O GRAM BAAJNA THANA BELGARHA,  
DISTRICT GWALIOR (MADHYA PRADESH)**

**.....RESPONDENTS**

**(BY SHRI H.K. SHUKLA-ADVOCATE )**

.....  
*This appeal coming on for orders this day, JUSTICE ROHIT ARYA  
passed the following:*

**ORDER**

Appellant/Wife is before this Court against the decree for restitution of conjugal rights awarded in favour of respondent/husband.

Appellant-wife and respondent-husband are also present before this Court today.

IA No.6401/2021, an application under Section 5 of Limitation Act for condonation of delay in filing present appeal is taken up for consideration.

For the reasons mentioned therein, the same is allowed and the delay of

1057 days in filing present appeal stands condoned.

**IA No.6401/2021 is closed.**

Couple solemnized marriage on 30/04/2015 but unfortunately, both of them started living separately after few days of marriage since 2/5/2015. It appears that with the passage of time, some wisdom prevailed upon the respondent-husband as he approached the Court of First Additional District Judge, Dabra, District Gwalior for restitution of conjugal rights by filing a petition under Section 9 of Hindu Marriage Act, 1955 on 9/5/2018. Looking to his bona fides, a decree has been awarded.

Though the appellant-wife is before this Court against a decree but now, she has changed her minds. In the open Court, she stated to live with her husband and does not intend to pursue the instant appeal.

Respondent/husband also assures this Court that if she lives with him, he shall maintain her with full dignity and grace ensuring a comfortable and respectful living within the means available with him.

This Court appreciates the gesture of respondent-husband towards his wife-appellant.

It needs no mention that institution of marriage is a pious institution with solemnity attached to it. Husband and wife both are expected to live together with sense of adjustment and co-existence. By virtue of marriage, two individuals after marriage acquire a recognized status. It is the duty of the couple to maintain that status with utmost sense of mutual trust and faith.

In view of the aforesaid facts and circumstances, the impugned order and decree passed on 15/10/2018 (Annexure A/1) by First Additional District Judge, Dabra, District Gwalior in RCSHM No.59/2018 is upheld.

Both respondent and appellant, henceforth, shall live together like husband and wife and lead a happy married life.

With the aforesaid, the present First Appeal stands **disposed of**.

**(ROHIT ARYA)**  
**JUDGE**  
(Dubey)

**(MILIND RAMESH PHADKE)**  
**JUDGE**

**SUNEEL  
DUBEY**

Digitally signed by SUNEEL DUBEY  
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