

**SUPREME COURT OF INDIA**

Jyoti Sharma

Vs.

Rajinder Kumar Sharma

C.A.No.201 of 2016

(Anil R.Dave and Adarsh Kumar Goel,JJ.)

12.01.2016

**JUDGMENT**

**Anil R.Dave, J.**

(arising out of S.L.P.(Civil) No.14843 of 2009)

1. Leave granted.
2. Heard the learned counsel.
3. The impugned order is set aside.
4. It has been submitted that proceedings under Section 13 of the Hindu Marriage Act in File No.79/02 were pending in the Court of Additional District Judge, Matrimonial Cases, Jammu and the said proceedings had been withdrawn by the respondent-husband. The said proceedings have come to an end by an order dated 20 th February, 2004.
5. The said order dated 20th February, 2004 is set aside and it is directed that the said proceedings shall be revived and restored to its original number. The Court of Additional District Judge shall proceed further with the said case in accordance with law and decide the same afresh within one year from the date of receipt of this order.
6. Parties shall appear before the Court of Additional District Judge, Matrimonial Cases, Jammu on 15th February, 2016.
7. The petitioner shall file the written statement in the said proceedings before 22nd February, 2016. Learned counsel for the parties appearing before the Court of Additional District Judge shall extend their cooperation for early disposal of the matter as directed by this court.

8. A copy of this order shall be forwarded to the learned Additional District Judge, Matrimonial Cases, Jammu by the Registry of this Court.

9. In view of the above, the appeal is disposed of as allowed with no order as to costs.