

Smt.Bhavna Advani V. Manohar Advani, AIR 1992

Madhya Pradesh High Court held in this case the same question was considered and the Court held there is no legal prohibition under the provisions of the Act for filing a petition by a spouse for restitution or in the alternative, for a decree of divorce on the ground of desertion.

RELIED	NOT RELIED
Pravin Kumar Gupta vs Vineeta @ Geeta Rani I (1996) DMC10 (Allahabad HC)	Baldev Raj vs Bimla Sharma AIR 2006 HP 33,
Smt. Vijay Lakshmi Devi vs Gautam Krishna Mishra, AIR 2010 PATNA 56	Reema Bajaj vs Sachin Bajaj AIR 2012 Raj 8
Allahabad High Court Smt. Preeti vs Sandeep Asthana 2017	
Ramya Durgadevi vs A. Rajasekar AIR ONLINE 2018 MAD 412	Karnataka High Court -2017 Sri A Ashwin Kumar vs Smt Vidya N Raju
M.P High Court =2026 Smt. Shalini Berman vs Laxmi Kant Berman Therefore, law on the point is very clear that in a Petition for restitution of conjugal rights, alternative relief of divorce can be prayed as held by this Court in the case of <u>Smt. Bhavna Adwani</u> (supra) and it has been held subsequently by Division benches of Allahabad and Bombay High Courts that such plea can be inserted by way of amendment and <u>in that case</u> the amendment would relate back not to the filing of initial suit but to the date of allowing the amendment.	Himachal High Court Gopal Tanta vs Anita Tanta =2023