

Court No. - 39

Case :- FIRST APPEAL No. - 811 of 2018

Appellant :- Pooja

Respondent :- Major Narendra Singh Rana

Counsel for Appellant :- Renu Rajat Alias Renu Sahai, Amit Kumar, Gaurav Pundir

Counsel for Respondent :- Nitin Chopra, Pankaj Misra

Hon'ble Saumitra Dayal Singh, J.

Hon'ble Shiv Shanker Prasad, J.

Civil Misc. Withdrawal Application No.31 of 2023

1. Heard Sri Gaurav Pundir, learned counsel for the appellant and Sri Pankaj Mishra, learned counsel for the respondent.
2. Present first appeal has been filed by the lady against the judgment and decree of divorce granted by learned Principal Judge, Family Court, Bareilly dated 5.11.2018 in Case No. 16 of 2015 (Major Narendra Rana Vs. Smt. Pooja).
3. Sri Gaurav Pundir, learned counsel appearing for the appellant has pressed withdrawal application No.31 of 2023. It is supported by the personal affidavit of the appellant. In paragraph 3 of the affidavit filed in support of the withdrawal application, it has been stated that the appellant wishes to withdraw from the proceeding to seek a settlement.
4. Sri Pankaj Mishra, learned counsel appearing for the respondent has objected to the withdrawal application in view of the pending application to lead the additional evidence to establish that the appellant got re-married during the pendency of these proceedings. According to him, for that reason of re-marriage, she has become dis-entitled to receive maintenance.
5. Insofar as, the appeal has been brought by the wife to contest the divorce granted by the court below, there is no cross appeal or cross objection filed by respondent.
6. We find no good ground in the resistance offered by Sri Mishra

to the withdrawal application.

7. In view of the above, withdrawal application is allowed. Appeal is dismissed as withdrawn.

Order on Appeal

8. Dismissed as withdrawn.

Order Date :- 23.11.2023

Abhishek Singh

(Shiv Shanker Prasad, J.) (S. D. Singh, J.)