

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**FAO-M-188 of 2011
Decided on : 05.02.2015**

Kulwant Kaur

. . Appellant

Versus

Kashmir Singh

. . . Respondent

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE SNEH PRASHAR**

PRESENT: Mr. Arun Takhi, Advocate
for the appellant.

None for the respondent.

AJAY KUMAR MITTAL, J. (Oral)

The challenge in this appeal is to the judgment and decree dated 31.10.2009, whereby a petition for dissolution of marriage by a decree of divorce under Section 13 of the Hindu Marriage Act, 1955 (for short 'the Act') was dismissed by the trial Court.

2. According to learned counsel for the appellant the primary reason for dismissing the petition was that the appellant-wife had failed to appear as a witness and the petition had been filed through power of attorney.

3. Learned counsel for the appellant prays that he may be allowed to withdraw the appeal with liberty to the appellant to file a fresh petition personally seeking divorce under the Act.

4. The appeal is dismissed as withdrawn. However it shall be open to the appellant to take recourse to the remedies available to her in accordance with law.

**(AJAY KUMAR MITTAL)
JUDGE**

**(SNEH PRASHAR)
JUDGE**

February 05, 2015

rashmi