

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

**FAO No. M-246 of 2014
Decided on : 20.02.2015**

Mahesh Kumar

... Appellant

Versus

Pinki and another

... Respondents

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

PRESENT: Mr. Tapan Yadav, Advocate
for the appellant.

Mr. S.K. Yadav, Advocate
for the respondent.

AJAY KUMAR MITTAL, J. (Oral)

Learned counsel for the parties states that during the pendency of the present appeal, a petition under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act') seeking divorce by way of mutual consent was filed before the trial Court, in which first motion has also been recorded.

2. It was further submitted by the learned counsel for the parties that the aforesaid petition is now fixed in the month of June 2015 for recording the second motion.

3. In such a situation learned counsel for the appellant prayed that he may be allowed to withdraw the appeal with liberty to file an application for revival of the appeal in case respondent No.1 does not make statement at second motion under Section 13-B of the Act on the date fixed before the trial Court.

4. Accordingly, appeal is dismissed as withdrawn.

5. It shall, however, be open to the appellant to take recourse to the remedies as may be available to him in accordance with law in case the respondent No.1 resiles from the terms of the petition under Section 13-B of the Act.

**(AJAY KUMAR MITTAL)
JUDGE**

**(SNEH PRASHAR)
JUDGE**

February 20, 2015
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