

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

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FAO No.M-17 of 2015 (O&M)

DATE OF DECISION : January 13, 2015.

Rima Wanchoo

....Appellant.

Vs.

Kamal Nain Wanchoo

....Respondent.

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

Present: Mr. Manish Bansal, Advocate
for the appellant.

Ajay Kumar Mittal, J. (Oral)

CM No.774-CII of 2015

After hearing learned counsel for the appellant and perusing the application supported by an affidavit of learned counsel for the appellant, delay of 7 days in re-filing the appeal is condoned.

C.M. stands disposed of.

FAO No.M-17 of 2015

The appellant has preferred the present appeal before this Court challenging the judgment and decree dated 21.08.2014 primarily on the ground that no permanent alimony in terms of Section 25 of the Hindu Marriage Act, 1955 (in short “the Act”) had been awarded by the trial Court while adjudicating the divorce petition.

On a query being put to learned counsel for the appellant, whether an application under Section 25 of the Act was filed before the trial Court, learned counsel submitted that no such application was filed. Accordingly, prayer has been made by learned counsel for the appellant that he may be allowed to withdraw the appeal and liberty be granted to the appellant to file an application under Section 25 of the Act before the trial Court.

In view of the above, the appeal as well as CMM No.9 of 2015 filed under Section 24 of the Act claiming maintenance pendente lite is dismissed as withdrawn. However, it shall be open to the appellant to claim permanent alimony before the trial Court in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

(SNEH PRASHAR)
JUDGE

January 13, 2015
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