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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ MAT.APP.(F.C.) 61/2013 and C.M.No.18589/2013

PRAVEEN MAHTO

..... Appellant

Through: Mr.Vijay Chandra Jha, Advocate with
the appellant in person.

versus

RITA MAHTO

..... Respondent

Through: Ms.Richa Kapoor, Advocate with
respondent in person.

CORAM:

HON'BLE MR. JUSTICE KAILASH GAMBHIR

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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30.04.2015

After some arguments, counsel for the appellant on instructions from the appellant, who is present in Court, seeks leave to withdraw this appeal with liberty to file a fresh petition on the ground of desertion. Counsel also admits that there is a mistake on the part of the appellant in not giving the correct address of the respondent in the present appeal, which was furnished by him later by filing an amended memo of parties on 28.11.2013.

Ms.Richa Kapoor, counsel for the respondent, on the other hand,

submits that even in the petition filed by the respondent under Section 9 of Hindu Marriage Act for restitution of conjugal rights the appellant has not been appearing before the Family Courts, Saket, New Delhi where the next date of hearing is fixed as 30.09.2015.

In the light of the aforesaid submission made by counsel for the appellant, the present appeal filed by the appellant is dismissed as withdrawn, reserving liberty to the appellant to avail the appropriate legal remedy which is available to him as per law. The appellant is also directed to cause his appearance in Section 9 proceedings before the Family Courts on the next date of hearing. The appellant shall also take due care to furnish correct address of the respondent in any further proceedings which he intends to file.


KAILASH GAMBHIR, J


LS MEHTA, J

APRIL 30, 2015
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