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

+ MAT.APP.(F.C.) 158/2016

BRIJMOHAN RAMAPURATH

..... Appellant

Represented by: Md.Azam Ansari, Advocate

versus

CHHAYA M SONTAKKI

..... Respondent

Represented by: None.

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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27.10.2016

CM 40411/2016

Allowed subject to all just exceptions.

CM 40412/2016

1. For the reasons mentioned in the application 151 days' delay in filing the appeal is condoned.
2. The application is disposed of.

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1. Learned counsel seeks leave to withdraw the appeal stating that since under Hindu Marriage Act, 1955 no declaratory relief can be sought that there exists no marriage between the appellant and the respondent and the remedy is to file a suit for declaration. Seeking leave to withdraw the appeal counsel states that the appellant would be moving an application withdrawing HMA No. 596/2012 so that the appellant can avail the remedy of a suit for declaration.

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2. The appeal is accordingly dismissed as not pressed.
3. No costs.

PRADEEP NANDRAJOG, J.

PRATIBHA RANI, J.

OCTOBER 27, 2016
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