

Harsha Rani
2017.11.27 10:19

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

(225)

FAO-M-146-2016

Decided on: November 17, 2017.

Suresh Kumar

.... Appellant

Versus

Nirmal Kumari

..... Respondent

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI
HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Vipin Mahajan, Advocate, for the appellant.

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

M.M.S. BEDI, J (ORAL)

Vide order dated 27.09.2017, the appellant-husband was required to pay maintenance pendente lite and litigation expenses.

Counsel for the respondent has submitted that pursuant to order dated 27.09.2017, no amount has been paid towards the balance of amount of maintenance pendente lite and litigation expenses but counsel for the appellant submits that he may be permitted to withdraw the appeal.

We have considered the facts and circumstances of the case.

The appeal was otherwise liable to be dismissed for non-payment of the maintenance pendente lite but since the appellant seeks to withdraw the appeal unconditionally, we permit to withdraw the appeal without prejudice to the right of the respondent to seek the recovery of the amount due till date in accordance with the procedure of law.

Dismissed as withdrawn.

**(M.M.S. BEDI)
JUDGE**

November 17, 2017.

harsha

**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No