

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.388 of 2015

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1. Rahul Kumar @ Rahul Thakur Son of Sri Sarjug Thakur resident of Mohalla- Manan Gali, Shiv Shankar Path, P.S. Mithanpura, District Muzaffarpur.

.... Appellant/s

Versus

1. Dipika Kumari @ Dipika Devi daughter of Sri Bideshi thakur resident of Village: kamarthu ,P.S Gaighat ,District Muzaffarpur , at present resident of Mohalla: Nabab Road, Mai Asthan (Tenant of Sri Shankar Sah) Chandwara, P.S. town, District Muzaffarpur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arvind Kumar, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

3 27-04-2018 This appeal arises from a judgment and decree of the Principal Judge, Family Court, Muzaffarpur in Matrimonial Case No. 121 of 2008 whereby the suit has been decreed in favour of the appellant -petitioner together with permanent alimony of Rs. 2.51 lacs. It is this quantum of permanent alimony which aggrieves the petitioner to move in appeal.

This appeal was admitted on 16.12.2016 and notices issued which have been served and though the sole respondent has appeared through counsel but there is no representation today.

When this matter is taken up Mr. Yugal Kishore learned



counsel for the appellant informs that a compromise petition has been filed by the parties in the court below for modification of the permanent alimony to a sum of Rs. 1,31,000/- which sum has been deposited in the court below.

In the circumstances noted and without expressing our opinion on the judgment and decree under challenge but considering that learned counsel for the appellant after some arguments, prays for withdrawal of the appeal, we permit him to do so.

Consequently, this appeal is dismissed as withdrawn.

(Jyoti Saran, J)

(Chakradhari Sharan Singh, J)

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