

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.227 of 2017

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Jai Prakash Joshi, son of Ayodhya Prasad Joshi, resident of Mohalla-Rani Bazar, P.S.-Gonda, District-Gonda.

... .. Appellant/s

Versus

Suman @ Sonu @ Suman Joshi, wife of Jai Prakash Joshi, resident of Mohalla-Rani Bazar, P.S.-Gonda, District-Gonda at present D/o Pawan Kumar Sharma, resident of Mohalla-Purani Bazar, Chitranjan Road, P.S.-Lakhisarai, District-Lakhisarai.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Pramod Kumar Singh, Advocate
		Mr. Parmanand Pd. Nr. Sahi, Advocate
For the Respondent/s	:	Mr. Rajesh Kumar Mishra, Advocate

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT
(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 14-09-2018

Heard parties.

This appeal is directed against the judgment dated 21.12.2016 passed by the Principal Judge, Family Court, Lakhisarai in Matrimonial Case No.39 of 2015 filed by the wife, namely, Suman @ Sonu @ Suman Joshi under Section 13 of the Hindu Marriage Act, 1955 for annulment of marriage by granting a decree of divorce. The petition was allowed by the impugned judgment and the judgment of annulment of marriage by granting divorce was passed. The said judgment is under challenge.

However, today a counter affidavit has been filed on behalf of respondent-wife categorically stating that after judgment of



divorce, she has taken another man as husband. She has also stated that she is now not willing to contest the Complaint Case No.653/2013 and she has filed a petition in this regard before the court below. She has also stated that she shall never claim any maintenance in future from the appellant.

Learned counsel for the appellant, on such affidavit having been filed and on such assertion having been made, seeks leave to withdraw this appeal.

Having regard to the peculiar facts and circumstances, which has arisen during the pendency of this appeal, such leave is granted to the appellant.

Accordingly, this appeal is dismissed as withdrawn.

However, it is made clear that since a petition has already been filed in the Complaint Case No.653/2013 pending in the court of Sub-Divisional Judicial Magistrate, Lakhisarai, the said court shall consider all the developments, as stated above, and take a decision in accordance with law keeping in mind that now the complainant does not want to pursue the case.

(Dr. Ravi Ranjan, J)

(Madhuresh Prasad, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A
Uploading Date	14.09.2018
Transmission Date	14.09.2018

