

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE M.S.K. JAISWAL**

FAMILY COURT APPEAL No.472 of 2017

ORAL ORDER: (Per Suresh Kumar Kait,J)

Vide the present appeal, appellant/husband has challenged the order dated 13.09.2017 passed in M.O.P.No.28 of 2014 on the file of the Judge, Family Court-cum-III Addl. District & Sessions Court, Srikakulam, which is filed by the respondent/wife.

The said M.O.P., was allowed and the respondent/wife was directed to join the appellant herein within three months from the date of the order passed by the Court below.

Learned counsel for the appellant submits that respondent/wife has not joined the appellant/husband till date and the three months time is already over.

Directions were issued by the Court below under Section 9 of the Hindu Marriage Act as mentioned above in the petition filed by the wife. Since the wife has not joined the appellant herein, the appellant has no grievance against the said order.

At this stage, learned counsel appearing on behalf of the appellant seeks permission to withdraw the appeal, with liberty to file fresh petition as and when cause of action arises.

Permission for withdrawal of the appeal is granted and the same is dismissed as withdrawn with liberty as prayed.

As a sequel, miscellaneous petitions if any pending in the appeal stand closed.

SURESH KUMAR KAIT, J

M.S.K. JAISWAL, J

January 04, 2018
MRR