

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

(206)

FAO-1919-2000 (O&M)

Decided on: February 26, 2018.

Anita Saini

.... Appellant

Versus

Ajaay Kumar Saini

..... Respondent

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI
HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present: Mr. Suman Jain, Advocate, for the appellant.

None for the respondent.

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

Respondent-husband had filed a petition under Section 9 of the Hindu Marriage Act for restitution on conjugal rights against the appellant-wife and in the alternative also sought dissolution of marriage by a decree of divorce. The Court below, vide impugned order, has granted decree of divorce along with right of permanent alimony as Rs.50,000/- to be paid in 4 quarterly instalments.

The appellant-wife had filed the present appeal against the said order in the year 2000.

The appeal is still at the stage of service of the respondent and the respondent is apparently making an attempt to evade service.

Counsel for the appellant has appeared and stated that the appellant has renounced the world and is not interested any more in the matrimonial relationship with the respondent without prejudice to the right of permanent alimony and seeks to withdraw the appeal.

Any party can waive of any claim under the provisions of Order 23 CPC.

Considering that the appellant has waived of a right against the respondent-husband, she can be permitted to withdraw the appeal.

The appeal is accordingly disposed of as withdrawn without prejudice to the right of the appellant to seek the revival within a period of two years as the present order has been passed in absence of the respondent.

(M.M.S. BEDI)
JUDGE

February 26, 2018.
harsha

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No