

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-6614-CII-2018 in/and
FAO-M-252-2009
Date of Decision:- 18.4.2018

Malkiat Singh

... Appellant

Versus

Paramjit Kaur

... Respondent

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

Present:- Mr. Sanjeev Pandit, Advocate for the appellant.

M.M.S. BEDI, J.

The appellant-husband has preferred an appeal before this Court against the judgment and decree dated 20.5.2009 dismissing his petition under Section 13 of the Hindu Marriage Act, 1955 for dissolution of marriage.

During pendency of the appeal, the present application has been filed for withdrawal of the appeal alongwith an affidavit to the effect that the appellant-husband does not want to pursue the appeal on account of unavoidable circumstances.

A perusal of the interim orders indicate that despite service no one has put in appearance on behalf of the respondent-wife before the Mediator. The office report indicates that the respondent-wife had not been residing at the given address for the last 5-6 years. Postal receipt of the registered A.D. cover dated 27.3.2018 has been appended with the application to indicate that a copy of the miscellaneous application for

withdrawal of the appeal has been sent by registered post to the respondent-wife.

Taking into consideration the totality of the aforesaid circumstances, we are of the opinion that withdrawal of the appeal is not likely to cause any prejudice to the respondent-wife, who appears to have not appeared despite service.

Miscellaneous application No.CM-6614-CII-2018 is allowed. The main appeal of appellant-husband, Malkiat Singh, is taken up for hearing today and is dismissed as withdrawn.

(M.M.S. Bedi)
Judge

18.4.2018
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No