

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

(238)

FAO-M-55-2017 (O&M)

Date of Decision: July 13, 2018.

Surinder Singh

.... Appellant

Versus

Sudesh

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Raj Kapoor Malik, Advocate, for the appellant.

Mr. Arvind Bansal, Advocate, for the respondent.

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

The appellant-husband had sought decree of divorce by filing a petition under Section 13 of the Hindu Marriage Act. His petition for divorce was dismissed on 01.02.2017. Aggrieved by the same, he has preferred the appeal before this Court.

During pendency of the appeal, an application under Section 24 of the Hindu Marriage Act was allowed on 16.02.2018 and the appellant was directed to pay the entire arrears of maintenance. Instead of paying the entire arrears of maintenance, counsel for the appellant has come forward with a plea that he may be permitted to withdraw the appeal as per the instructions of his client. A miscellaneous application (CM-9629-CII-2018) has been filed in this regard, supported by affidavit of appellant Surinder Singh.

We have considered the facts and circumstances of the case.

The miscellaneous application is allowed. The appeal is dismissed as withdrawn as per the statement of counsel for the appellant and for the ground of non-payment of the arrears of maintenance.

It will be open to the respondent-wife to execute order dated 16.02.2018 by filing an application for execution before the Court of competent jurisdiction.

(M.M.S. BEDI)
JUDGE

July 13, 2018
harsha

(ANUPINDER SINGH GREWAL)
JUDGE

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