

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.166 of 2018

Sarita Devi @ Sarita Kumari

... .. Appellant/s

Versus

Jitendra Kumar Upadhyay

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prakash Kumar
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
and
HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)

3 06-05-2019 Mr. Prakash Kumar, learned counsel for the appellant, having A.O.R. No. 0601, seek permission to withdraw the present appeal, filed against the judgment and order dated 28.04.2017, passed by learned Principal Judge, Family Court, Patna in Matrimonial Case No. 11 of 2016, whereby the appellant's prayer for grant of interim maintenance to the tune of Rs. 25,000/- per month has been dismissed.

Though, in view of the ratio laid down in the case of **Neelam Kumari Sinha Vs. Shree Prashant Kuma (C.R. No. 346 of 2010)** reported in **AIR 2010 Patna 184**, Civil Miscellaneous application under Article 227 of the Constitution of India is maintainable against the order passed under Section 24 of Hindu Marriage Act, 1955 but since the learned counsel



for the appellant seeks permission to withdraw the present appeal, the present appeal is permitted to be withdrawn.

Accordingly, the present appeal is dismissed as withdrawn.

(Dinesh Kumar Singh, J)

(Prabhat Kumar Singh, J)

Amrendra/-

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