

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

466

**FAO-M-266-2008 (O&M)
Date of Decision : 13.03.2019**

Chhaju

... Appellant

Versus

Saroj

...Respondent

**CORAM:HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. Dharambir, Advocate for the appellant.

Mr. Suveer Sheokand, Advocate for the respondent.

RAKESH KUMAR JAIN, J.(ORAL)

This appeal has arisen from the judgment and decree dated 28.07.2008 by which petition filed under Section 12 of the Hindu Marriage Act, 1955 (for short 'the Act') by the appellant was dismissed.

While the appeal was pending after admission, the parties decided to part ways by way of decree of divorce by mutual consent. It is submitted that they had already filed petition under Section 13-B of the Act, before the trial court at Khanna in which the statement at the first motion stage has already been recorded and the case is now deferred for recording the statement on the second motion stage.

In view thereof, counsel for the appellant prays for withdrawal of the appeal with the prayer that liberty may be given to file an appropriate application for its revival, in case, respondent-wife resiles from recording the statement at the second motion stage.

Counsel for the respondent has not raised any objection in this regard.

Dismissed as withdrawn with liberty to the appellant to file an appropriate application for revival of this appeal, in case the respondent-wife resiles to record her statement at the second motion stage in the petition filed under Section 13-B of the Act before the trial court.

(RAKESH KUMAR JAIN)
JUDGE

(HARNARESH SINGH GILL)
JUDGE

13.03.2019
pooja saini

Whether speaking/reasoned? *Yes/No*

Whether reportable? *Yes/No*