

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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FAO No.M-2-2012 (O & M)

Date of Decision: 24.01.2019

Jagdish Kumar

.....Appellant

Vs.

Neetu

..... Respondent

**CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN
HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL**

Present: - Mr. Veneet Sharma, Advocate
for the appellant.

Mr.V.K. Sandhir, Advocate
for the respondent.

RAKESH KUMAR JAIN, J. (ORAL)

This appeal has arisen from the judgment and decree dated 28.07.2011 passed by the learned Additional District Judge, Amritsar by which the petition filed under Section 13 of the Hindu Marriage Act, 1955 ('Act' - for short) by the appellant-husband for seeking dissolution of marriage on the ground of cruelty has been dismissed.

This appeal was admitted on 24.09.2015.

The appellant has filed CM No.307-CII-2019 seeking permission for withdrawal of the main appeal.

After notice in the application, counsel for the non-applicant/respondent has put in appearance and has submitted that the appellant is in arrears of maintenance pendente lite. According to him, the appellant has

to pay the amount of ₹2,20,000/- and has submitted that until and unless the

said amount is paid, he may not be allowed to withdraw the appeal.

Learned counsel for the appellant has, however, submitted that the appellant is withdrawing the appeal without any condition and he does not want to pursue the same. He further submits that in case any amount is allegedly due, the same may be recovered by the respondent in accordance with law.

We have heard learned counsel for the parties and are of the considered opinion that the appellant has a right to withdraw the appeal and the respondent has a right to recover the amount of maintenance pendente lite in accordance with law.

Accordingly, the application (CM-307-CII-2019) is allowed and the appeal which stands admitted is ordered to be dismissed as withdrawn but liberty at the same time is given to the respondent to recover the amount of maintenance pendente lite in accordance with law.

(RAKESH KUMAR JAIN)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

24.01.2019
A.Kaundal

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No