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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ MAT.APP.(F.C.) 11/2019

DIMPLE

..... Appellant

Through: Mr.Rajan Bajaj, Advocate

versus

RAJIV MAINI

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **15.01.2019**

C.M.1461/2019 (exemption)

Exemption is allowed subject to all just exceptions.

Application stands disposed of.

MAT.APP.(F.C.) 11/2019 & C.M.1460/2019 (delay)

The appellant assails the order dated 28.04.2017 passed by the Family Court by which a petition under Section 9 of the Hindu Marriage Act seeking restitution of conjugal rights stands dismissed. We may note, at the very outset, that this order was assailed by filing MAT. APP.(F.C.) 155/2017, which was dismissed as not pressed as the appellant sought a limited notice to the husband on the aspect of negotiating a onetime settlement through mediation. The matter was referred to mediation. However, the mediation was a non-starter. Thereafter, the matter was listed before the Court on 25.09.2018 when the following order was passed:

“A limited notice was issued in the matter for negotiating one-time settlement. We have received the report of the Mediator,

according to which the matter was a non-starter.

We may note that since the appeal has already been disposed of as not pressed, no further orders are required to be passed in the matter.”

Counsel for the appellant submits that since the appellant was negotiating for an out of court settlement, he had withdrawn the petition filed under Section 125 Cr.P.C. and he would take steps for reviving/filing a fresh petition.

In view of the fact that the earlier appeal was dismissed as not pressed, in our view, the second appeal is not only not maintainable but also misconceived. The appeal and the C.M.1460/2019 are accordingly dismissed.

At this stage, counsel for the appellant wishes to withdraw this appeal. Accordingly, the appeal and the pending application are dismissed as withdrawn.

G.S.SISTANI, J

JYOTI SINGH, J

JANUARY 15, 2019

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