

**CM-8057-CII-2020;
CM-8059-CII-2020
in/and FAO-M-159-2015
Date of decision: 26.08.2020**

Rakesh Kumar @ Bishambar Dass ...Appellant

Versus

Navdeep Kaur ...Respondent

**Coram: Hon'ble Mr. Justice Rakesh Kumar Jain
Hon'ble Mr. Justice Ashok Kumar Verma**

Present: Mr. Divanshu Jain, Advocate
for the applicant/appellant.

Mr. Naresh Kumar Manchanda, Advocate
for the respondent-wife.

...

Rakesh Kumar Jain, J. (Oral)

Case taken up through Video Conferencing.

CM-8057-CII-2020

This application is filed under Section 151 of the CPC for placing on record the copy of judgment and decree of divorce dated 28.07.2020 as Annexure P-X.

Application is allowed. Annexure P-X is taken on record.

CM-8059-CII-2020

This application is filed under Section 151 of the CPC for withdrawal of the main appeal i.e. FAO-M-159 of 2015.

Notice in the application.

At this stage, Mr. Naresh Kumar Manchanda, Advocate accepts notice on behalf of the non-applicant/respondent-wife.

Counsel for the applicant/appellant has submitted that the appellant (husband) had filed a petition under Section 13 of the Hindu

Marriage Act, 1955 against the respondent on the ground of cruelty. The said petition was dismissed on 22.01.2015 by the learned Court below. Aggrieved against the said judgment, the present appeal was filed by the appellant.

During the pendency of the appeal, both the parties had filed a joint petition under Section 13-B of the Hindu Marriage Act, 1955 for dissolution of the marriage by mutual consent. The said petition has been allowed by a decree of divorce dated 28.07.2020, during the pendency of this appeal. It is further submitted that the said judgment and decree has been brought on record as Annexure P-X by filing a separate application, which has been separately allowed today.

Counsel for respondent-wife has supported the submissions made by the counsel for the appellant-husband.

In view of the aforesaid facts and circumstances, the present application is hereby allowed and the main case is taken up for hearing today itself.

FAO-M-159-2015

In view of the decree dated 28.07.2020, the main appeal is hereby dismissed as withdrawn.

[RAKESH KUMAR JAIN]
JUDGE

[ASHOK KUMAR VERMA]
JUDGE

26.08.2020
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Whether speaking / reasoned : Yes/No
Whether reportable : Yes/No