IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

First Appeal No. 126 of 2018

Vinay Kumar Mishra .....Appellant

Versus

Smt. Anjali ...Respondent

Present:- Mr. R.K. Joshi, Advocate for the appellant.
Mr. T.K. Nainwal, Advocate for the respondent.

Coram: Hon'ble Sudhanshu Dhulia, J.
Hon'ble Ravindra Maithani, J.

This matter arises out of judgment and order dated 31.05.2018 passed by Judge, Family Court, Udham Singh Nagar, whereby the petition of the appellant for dissolution of marriage under Section 13 of the Hindu Marriage Act, 1955 has been dismissed.

2. Notice was issued to the respondent, who is represented by a counsel Mr. T.K. Nainwal.

3. During the pendency of the present appeal and with the efforts of the learned counsels for the parties, the parties mediated and thereafter they have now resolved their dispute and have entered into a compromise, by which the appellant has agreed to withdraw his appeal as they now intend to live together as husband and wife.

4. The settlement/compromise dated 28.12.2020 was referred to the Registrar (Judicial), who has verified the same and which is made a part of record. One of the

conditions in this compromise is that the appellant would withdraw his appeal.

5. Now an application being CLMA No. 11581/2020 has been moved by the appellant with the following prayer:-

> "Therefore it is most respectfully prayed on behalf of the appellant and respondent that this Hon'ble Court may graciously be pleased to permit the applicant/appellant to withdraw the instant appeal in terms of compromise reached between the parties and or be further pleased to pass any other order which this Hon'ble Court may deem fit and proper under the circumstances of the case, otherwise, the appellant as well as respondent shall suffer irreparable loss and injury."

6. Under these circumstances, we permit the appellant to withdraw the appeal under the provisions given in Order 23 Rule 1 of CPC.

7. Appeal is dismissed as withdrawn.

(Ravindra Maithani, J.) **(Sudhanshu Dhulia, J.)**

29.12.2020

Ankit/