

THE HON'BLE THE CHIEF JUSTICE HIMA KOHLI
AND
THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

F.C.A.No.44 of 2021

JUDGMENT: (Per the Hon'ble the Chief Justice Hima Kohli)

1. The present appeal is directed against a judgment dated 19.02.2020 passed by the learned Additional Family Court at Hyderabad dismissing O.P.No.1308 of 2016 filed by the appellant/petitioner for restitution of conjugal rights and for permanent injunction restraining the respondent from dispossessing her and the four children of the parties from the schedule property situated at Sri Ram Nagar, Yousufguda, Hyderabad.

2. The matter was passed over to enable learned counsel for the appellant to seek instructions from his client as to whether she proposes to press the present appeal for the relief of injunction, in view of the fact that she had already filed O.S.No.559 of 2018 against the respondent and a third party for declaration and recovery of possession in respect of the part of the suit schedule property, which is stated to be pending.

3. On the second call, Mr. Harish Kumar, learned counsel for the appellant states that the said suit is still pending and instead of pressing the present appeal, he seeks leave of this court to withdraw

the appeal, while reserving the right of his client to press O.S.No.559 of 2018 and O.S.No.977 of 2017, which are pending adjudication before the trial court.

4. Leave, as prayed for, is granted and the present appeal is disposed of as not pressed along with the pending applications, if any.

HIMA KOHLI, CJ

B. VIJAYSEN REDDY, J

29.06.2021

vs