

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

MISC.CIVIL APPLICATION NO.2 OF 2020

MAYURI VISHAL VARMA
VERSUS
VISHAL PARASRAM VARMA

...

Advocate for the Applicant : Shri Jethliya Dhiraj R.
Advocate for the Respondent : Shri S.S. Gangakhedkar h/f Shri Kabade
Vivek V.

...

CORAM: SMT. BHARATI H. DANGRE, J.

DATE :- 15th February, 2022

Per Court:

1. The learned counsel for the respondent/ husband states that he has instituted Petition No.A-112/2019 before the Family Court at Latur seeking restitution of conjugal rights. He is desirous of withdrawing the said proceedings, but when he sought withdrawal of the same, the interim relief in operation in this Misc. Civil Application precluded him from doing so. In any case, since the respondent/ husband has now filed the petition for dissolution of marriage, he is not intending to prosecute the petition filed by him seeking restitution of conjugal rights.

2. I do not see any reason why the respondent/ husband shall not be permitted to withdraw the petition No.A-112/2019. On an application being made before the Family Court at Latur for withdrawal,

the learned Judge would grant permission to withdraw if it is otherwise permissible, but it shall not be refused on the ground that there was stay in this application.

In any case, the learned counsel for the respondent made the statement that he does not want to proceed further with the petition filed in the Family Court at Latur and he shall make an application for it's withdrawal.

3. In the wake of the above, this application filed by the applicant/wife seeking transfer of Petition No.A-112/2019, does not require any adjudication. Necessarily, this Misc. Civil Application is disposed of.

kps

(SMT. BHARATI H. DANGRE, J.)