

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.36 of 2017

Rakesh Kumar Son of Sri Ram Pujan Singh, Resident of Village - Mahuari,
Police Station - Baroon, District - Aurangabad.

... .. Appellant/s

Versus

Kumari Maneesha Wife of Sri Rakesh Kumar and Daughter of Brij Mohan Sharma, at present living with her father at Village - Mera, Police Station - Paliganj, District - Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Abinash Kumar
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

The present Miscellaneous Appeal No.36 of 2017 is filed in questioning the validity of judgment dated 04.11.2015 passed in Matrimonial Case No.93 of 2014 by learned Principal Judge, Family Court, Aurangabad.

2. Learned counsel for the petitioner fairly submitted that divorce petition was filed under Section 13(i)-cruelty of the Hindu Marriage Act. However, learned counsel for the appellant on instruction submitted that petitioner has no case on cruelty. Therefore, he intends to withdraw this Miscellaneous Appeal No.36 of 2017.

3. It is submitted that he intends to file one more petition for divorce under Section 12(i)(d) of the Hindu



Marriage Act, 1955.

4. Liberty is always there in so far as filing a fresh petition with reference to different cause of action read with the different statutory provision.

5. Accordingly, the present Miscellaneous Appeal No.36 of 2017 stands dismissed as withdrawn.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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