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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.07.2023

Coram

The Honourable Mr.Justice KRISHNAN RAMASAMY

C.M.S.A.No.86 of 2021

R.Yogeswaran

...Appellant

Versus

Rajeshwari

...Respondent

This Civil Miscellaneous Appeal is filed under Section 28 of Hindu Marriage Act r/w. Section 100 of C.P.C praying to set aside the judgment and decree passed by the Principal District Judge, Salem in C.M.A.No.41 of 2019 dated 26.06.2020 confirming the judgment and decree of the Sub Judge, Attur in H.M.O.P.No.107 of 2012 dated 16.08.2019.

For Appellant : Mr.J.Nagarajan

For Respondent : Mr.G.J.Baskar Narayanan

JUDGMENT

When this appeal was taken up on 03.07.2023, the learned counsel for the appellant sought time to get instructions from his client as to whether he is agreeable to give 50% share of his property to his wife/respondent. Hence, the matter was adjourned to 05.07.2023 (today).



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2. Accordingly, today, when the matter was taken up for hearing, the respondent and her learned counsel are present before this Court. However, the appellant is absent.

3. The learned counsel for the appellant submitted that the appellant instructed him to withdraw the present appeal since he is not interested in prosecuting the case. Therefore, the learned counsel sought the permission of this Court to withdraw this appeal and he has also made an endorsement to that effect in the appeal papers.

4. In view of the above submission coupled with an endorsement made by the learned counsel for the appellant, this Civil Miscellaneous Second Appeal is dismissed as withdrawn. However, liberty is granted to the parties to work out their remedy with regard to other entitlements, in the manner known to law. No costs.

05.07.2023

mrr

Index : Yes/No



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KRISHNAN RAMASAMY, J.

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