

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR-4170-2019 (O&M)

Date of Decision : 07.02.2023

Smt. Suman

....Petitioner

VERSUS

Ajit Bishnoi

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Shaveta Sanghi, Advocate for the petitioner.

Mr. Suvir Sidhu, Advocate for the respondent.

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ALKA SARIN, J. (Oral)

The challenge in the present petition is to the judgment and decree dated 05.11.2018 passed by the Court of Additional District Judge, Fatehabad on a petition under Section 13-B of the Hindu Marriage Act, 1955.

The grievance of the petitioner is that the custody of the child was with her, however, in the order passed in the petition under Section 13-B of the Hindu Marriage Act, 1955, it has been stated that the custody of the child shall remain with the respondent. The petitioner is seeking modification of the judgment which can only be done in an appeal. In the case of **Jyoti Vs. Neeraj Kumar Saini [2019 (1) RCR (Civil) 748]**, a Division Bench of this Court has held as under :

*“5. In this regard, learned counsel for the appellants
has referred to a judgment of the division bench of this
Court rendered in the case of Krishna Khetarpal,*

Headmistress, Government Girls High School, Bhuna, Tehsil Fatehabad, District Hisar Vs. Satish Lal; 1986 (2) PLR 608 in which the same issue had arisen and it has been decided that the appeal against the consent decree passed under Section 13-B is appealable under Section 28 of the Act and Sub Section 3 of Section 96 of the CPC has no bar. Since, this issue is no more res integra as already been decided by this Court, therefore, we have entertained the appeal.”

Faced with the same, learned counsel for the petitioner seeks permission to withdraw the present revision petition with liberty to avail her remedies as available in law. Permitted to do so.

Dismissed as withdrawn with the liberty aforesaid. Pending applications, if any, also stand disposed off.

February 07, 2023
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO