

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

(229)

**FAO-M-443-2015 with CMM-93-2017  
Date of Decision: August 16, 2018.**

**Sukhwinder Singh**

**.... Appellant**

**Versus**

**Rupinder Saini**

**..... Respondent**

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI  
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. Bhanu Partap Singh, Advocate, for the appellant.

Mr. Vishal Sharma, Advocate, for the respondent.

**M.M.S. BEDI, J (ORAL)**

Aggrieved by the dismissal of his petition for divorce, the appellant-husband has preferred the present appeal.

During pendency of the appeal, the respondent-wife has filed an application under Section 24 of the Hindu Marriage Act.

When application under Section 24 of the Hindu Marriage Act was taken up for hearing, counsel for the appellant-husband submits that he has got instructions to withdraw the appeal as the appellant-husband does not want to proceed further with the appeal.

Counsel for the respondent-wife submits that the withdrawal of the appeal is an evasive device to avoid the payment of maintenance pendente lite.

Without expression of any opinion regarding the intention of the appellant-husband, we find that request of the appellant-husband for withdrawal of the appeal cannot be denied.

The appeal is dismissed as withdrawn without prejudice to the legal rights of the respondent-wife to claim any legal right of maintenance bestowed on her by any Statute.

Application under Section 24 of the Hindu Marriage Act i.e. CMM-93-2017 is disposed of having rendered infructuous.

**(M.M.S. BEDI)**  
**JUDGE**

**August 16, 2018**  
*harsha*

**(ANUPINDER SINGH GREWAL)**  
**JUDGE**

Whether speaking/reasoned: Yes/No  
Whether reportable: Yes/No