

**Virender ....Applicant- Appellant Vs. Virender ....Applicant- Appellant**

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**SooperKanoon Citation :** [sooperkanoon.com/1134217](http://sooperkanoon.com/1134217)

**Court :** Punjab and Haryana

**Decided On :** Mar-10-2014

**Appellant :** Virender ....Applicant- Appellant

**Respondent :** Virender ....Applicant- Appellant

**Judgement :**

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA,  
CHANDIGARH C.M.No.4333-CII of 2014 in/and FAO No.5638 of 2013 Date of  
decision: March 10, 2014 Virender ....Applicant- Appellant Versus Smt.

Rekha ....Non-applicant - Respondent Coram:- HON'BLE Mr.JUSTICE  
S.S.SARON HON'BLE Ms.JUSTICE NAVITA SINGH Present: Mr.Bharat Bhushan  
Azad, Advocate for the applicant- appellant.

\*\*\*\*\* S.S.Saron, J.

The marriage between the parties was solemnised as per Hindu rites and  
ceremonies at Village Dabarpur, District Sonapat on 19.6.2006.

After marriage, the parties lived together as husband and wife and cohabited as  
such.

They had a daughter from the marriage, namely, Aarti, who was born on 3.8.2008.

She is stated to be living with the appellant.

The appellant on 19.1.2011 filed a petition in terms of Section 9 of the Hindu Marriage Act, 1955 seeking restitution of conjugal rights.

His petition was dismissed by the learned District Judge, Sonapat vide his judgment and decree dated 26.10.2013.

Aggrieved against the same, the appellant filed the present appeal.

This Court on 26.11.2013, ordered that a demand draft for a sum of Rs.25,000/- drawn in favour of the respondent towards litigation expenses of the appeal be submitted in Court on the adjourned date.

The case was adjourned to 18.12.2013.

On that Renu 2014.03.18 14:35 I attest to the accuracy and integrity of this document Chandigarh C.M.No.4333-CII of 2014 in/and -2- FAO No.5638 of 2013 date, learned counsel for the appellant prayed for time to comply with order regarding deposit of demand draft for an amount of Rs.25,000/- and the case was adjourned to 4.2.2014.

On the said date, the case was adjourned for 28.3.2014.

Now C.M.No.4333-CII of 2014 has been filed seeking withdrawal of the appeal on account of non- depositing the litigation expenses and it is submitted that since the applicant- appellant is not able to arrange an amount of Rs.25,000/- as litigation expenses, the applicant- appellant wishes to withdraw the appeal.

Accordingly, C.M.No.4333-CII of 2014 is allowed and the appeal (F.A.O.No.5638 of 2013) is dismissed as withdrawn.

(S.S.SARON) JUDGE (NAVITA SINGH) JUDGE1003.2014 renu Renu 2014.03.18 14:35 I attest to the accuracy and integrity of this document Chandigarh

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