

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**First Appeal No. 119 of 2018**

Gore Lal Yadav --- --- Appellant  
Versus  
Priyanka Bharti --- --- Respondent

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**CORAM: The Hon'ble Mr. Justice Aparesh Kumar Singh**  
**The Hon'ble Mrs. Justice Anubha Rawat Choudhary**

Through : Video Conferencing

For the Appellant : Mr. Arun Kumar Dubey, Adv.  
For the Respondent :

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**09/25.06.2020** Learned counsel Mr. Arun Kumar Dubey, on instructions of the learned counsel for the petitioner on record Mr. Bhola Nath Ojha and the appellant, seeks permission to withdraw this appeal with a liberty to approach the learned Family Court, Dhanbad for seeking restoration of Title (Matrimonial) Suit No.234 of 2014. He submits that a supplementary affidavit has been filed in terms of the previous order dated 04.03.2020 stating that the appellant has been paying maintenance @ Rs.3,000/- per month to the respondent, though the learned Family Court, Dhanbad had passed an interim order dated 2<sup>nd</sup> February 2017 to pay maintenance @ Rs.6,000/- per month. He submits that the appellant had been facing financial difficulty, therefore full amount of maintenance could not be paid. He submits that the application for restoration may be barred by time also which may be sympathetically considered by the learned Family Court.

We find from the impugned judgment dated 8<sup>th</sup> February 2018 that Title (Matrimonial) Suit No.234 of 2014 was dismissed due to non-compliance of the interim order of maintenance and also due to non-representation of the appellant.

In view of the prayer of the learned counsel for the appellant, permission is granted to withdraw the instant appeal with the aforesaid liberty. The appellant may bring it to the notice of the learned Family Court, Dhanbad that he was pursuing his remedy before this Court against the impugned judgment in the present appeal as also in Cr. Revision No.634 of 2017. The learned Family Court would consider the plea of the appellant and the question of restoration on its own merit in accordance with law taking into account these facts as well. Accordingly, it is dismissed as withdrawn. I.A. No.9183/2019 is closed.

*(Aparesh Kumar Singh, J.)*