

Mat Suit No. 364 of 2019

Order No. 23 dated 06/03/2024

Both parties file haziras through respective Ld. Advocates.

Today is fixed for P.H.

Petitioner/husband files one petition supported by affidavit for withdrawal of the suit on the grounds stated therein.

On consent of both the parties the application is taken up for hearing.

Heard the Ld. Advocate for the petitioner who submitted that the petitioner is a man of limited means and resources and presently is suffering from huge financial stringency and therefore is unable to continue with the suit and hence he wants to withdraw such suit with liberty to file fresh suit in future.

Such prayer is opposed by the Ld. Advocate for the O.P./wife who submitted that the O.P./wife has filed one Misc. case being No. 22/2020 which is pending before this Court for hearing. He submitted that the petitioner/husband in order to avoid giving maintenance likely to be passed in such Misc. Case is trying to withdraw the suit to frustrate the instant Misc. Case.

On perusal of the record this Court finds that the Misc. Case u/s 24 of the H.M. Act is also pending and fixed for hearing today. Perusing the application for withdrawal it appears that the same is not based on bona fide ground and the O.P./wife may suffer because of sudden withdrawal of the main suit.

Considering this aspect the petition for withdrawal stands rejected.

At this stage Ld. Advocate for the petitioner prays for time and the prayer is allowed.

Fix **04.05.2024** hearing of the suit.

Dict. & Corrected by me

D.J.

District Judge, Hooghly