

Mat 369 of 2024

Order dated 10.03.2026

Today is fixed for DW as last chance.

The petitioner is present before the court and files memo of appearance through his ld counsel.

The petitioner has filed an application praying for withdrawing the present suit. Copy of the application has been served upon the Ld counsel for the respondent.

Ld counsel for the petitioner is present.

The petitioner's application for withdrawal of the suit under order 23 rule 1 C.P.C. is taken up for hearing.

It is submitted by the ld counsel for the petitioner that this application to withdraw the suit has been filed since the petitioner intend to file a fresh suit for divorce. The continuation of this suit for restitution of conjugal rights will serve no purpose. Thus, the petitioner does not intend to proceed with the present suit under section 9 of the Hindu Marriage Act.

The petitioner is examined on oath as P.W. 1. It is submitted in evidence that the petitioner is not willing to proceed with this Mat suit since the petitioner wants to file a fresh suit for divorce.

On perusing the record it appears that the petitioner had filed this suit under section 9 of Hindu Marriage Act seeking a decree for restitution of conjugal rights.

Heard. Considered. Perused.

Upon considering the submission made by the Ld. Advocate appearing on behalf of the petitioner and the statements made by the petitioner on oath, this court is inclined to allow the prayer of the petitioner. The petitioner is allowed to withdraw the present MAT suit with liberty to file afresh.

Hence, it is,

Ordered,

that the application of the petitioner for withdrawing the instant MAT suit is hereby allowed with liberty to file afresh.