

**Title Suit (R) No. 7/2019**

**18.04.2022**

Petitioner is represented.

Seen the petition No. 501/22 of the Petitioner praying to allow him to withdraw this suit for facilitating him to file divorce petition for the ends of justice. The petition is supported by an affidavit of the Petitioner and accompanied by copies of the Orders dated 20.01.2021 and 05.02.2021 passed by J.M.F.C., Margherita in Misc. Case No. 15/2019.

It is stated in the petition that the Petitioner and the Respondent were married on 26.10.2007 and they parented a female child who is now 11 years of age. It is further stated that in March 2019, the Respondent came out of her matrimonial home and started living with her mother at Baliyan along with the minor daughter, deserting the Petitioner and his old mother for no just cause whatever. It is further stated that the Respondent instituted a maintenance case against the Petitioner in the Court of Judicial Magistrate, First Class, Margherita, vide case No. 15(M)/2019 and an Order of maintenance has been granted by the said learned Court in favour of the Respondent. It is further stated that the Petitioner left no stone unturned to bring back the Respondent home, but all his efforts miserably failed. It is further stated that now the Petitioner has no alternative except filing of a divorce petition for which purpose the withdrawal of this suit has become expedient and necessary.

Heard the learned Advocate for the Petitioner.

 The petition is signed by the Petitioner and the supporting affidavit of the Petitioner is found to have been sworn on 12.04.2022. Learned Advocate for the Petitioner has

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submitted that the Petitioner is a Naik in Indian Army and he had come to Dibrugarh recently and on 12.04.2022 he signed the above petition and also the supporting affidavit, but at present he is at Bhopal where he has gone for undergoing training.

Learned Advocate for the Petitioner has arranged Video-Calling with the Petitioner and accordingly I have heard the Petitioner through Video-Calling. The Petitioner has reiterated the submissions made in the above petition and prayed for allowing him to withdraw this case.

Considering the averments and contentions made in the above petition, and upon hearing the Petitioner and his learned Advocate, the instant case hereby stands dismissed on withdrawal.

  
Addl. District Judge,  
Dibrugarh.