

**IN THE HIGH COURT OF HIMACHAL PRADESH,  
SHIMLA**

Cr. Revision No. 41 of 2019

Date of Decision: 31.05.2019

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Dinesh Kumar

.....Petitioner

Versus

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Anita Verma

Respondent

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**Hon'ble Mr. Justice Sandeep Sharma, Judge.**

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Whether approved for reporting? <sup>1</sup>

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**For the Petitioner** : Mr. D.N.Sharma, Advocate.

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**For the Respondent** : Mr. Jeevesh Sharma, Advocate.

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**Sandeep Sharma, Judge** (oral):

Mr. D.N.Sharma, learned counsel representing the petitioner while inviting attention of this Court to order dated 30.4.2019, states that a sum of Rs. 5000/- was handed over to the respondent on the previous date of hearing, whereas a sum of Rs. 25,000/- on account of arrears of maintenance awarded by the learned Court below has been handed over to the respondent today, which fact has been fairly acknowledged by Mr. Jeevesh Sharma, learned counsel representing the respondent. Otherwise also, respondent namely, Smt. Anita

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<sup>1</sup> Whether the reporters of the local papers may be allowed to see the judgment?

Verma, who is present in Court also states that she has received sum of Rs.30,000/-.

2. At this stage, Mr. D.N.Sharma, learned counsel representing the petitioner seeks permission to withdraw the present petition, which prayer has been opposed by learned counsel representing the respondent, who states that since entire amount as awarded by the learned Court below has been not paid, petitioner may not be permitted to withdraw the present petition. However, this Court is of the view that petitioner being *dominus litis* is entitled to withdraw the petition filed by him and no grievance, if any, with regard to full payment on account of non-payment of arrears can be permitted to be raised in the instant proceedings because respondent is always at liberty to file appropriate proceedings in the competent Court of law for realization of amount awarded as maintenance by the learned court below.

3. Consequently, in view of the above, the present petition is dismissed as withdrawn. Needless to say, amount of Rs.30,000/- paid by the petitioner in the instant proceedings to the respondent towards maintenance shall be counted towards

the arrears, if any, payable by the petitioner. Pending application(s), if any, also stands disposed of.

**(Sandeep Sharma),  
Judge**

**31<sup>st</sup> May, 2019**  
(shankar)