

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

**CMPMO No.530 of 2022
Decided on: 28.04.2023**

Pushplata Sharma

.....Petitioner

Versus

Vivek Sharma

.....Respondent

Coram

The Hon'ble Mr. Justice Virender Singh, Judge
Whether approved for reporting?

For the petitioner : Mr. Karun Negi, Advocate.

For the respondent : Ms. Rinki Kashmiri, Advocate.

Virender Singh, Judge, (Oral)

In view of the decision rendered by this Court in **CMPMO No.516 of 2022** titled as **Vikas Kumar Jishtu versus Preeti Jishtu** on **31.03.2023**, learned counsel appearing on behalf of the petitioner, on instructions, submits that the petitioner does not want to press the present petition and wants to withdraw the same and sought liberty to assail the order passed, under Section 24 of the Hindu Marriage Act, by way of FAO, under the provisions of Section 19 of the Family Courts Act.

2. It has also been prayed that the time spent in pursuing the present petition may kindly be excluded while computing the limitation for filing the FAO.

3. The prayer, so made, has not seriously been objected to, by the learned counsel appearing for the respondent.

4. In view of the above, the present petition is dismissed as withdrawn. The petitioner is at liberty to assail the order passed, under Section 24 of the Hindu Marriage Act, as per the provisions of the Family Courts Act, if so advised.

5. The petitioner is entitled to have the protection of Section 14 of the Limitation Act if the appeal against the order passed under Section 24 of the Hindu Marriage Act is preferred within one month from the date of passing of this order.

(Virender Singh)
Judge

April 28, 2023
(pathania)