

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Sr. No.218

FAO-M-318-2011**Decided on : 20th January, 2016****Sukhwinder Kaur****.... Appellant****VERSUS****Bhupinder Pal Singh****..... Respondent**

CORAM: **HON'BLE MR. JUSTICE RAJIVE BHALLA**
HON'BLE MS. JUSTICE LISA GILL

Present: **Mr. Rajesh Gupta, Advocate**
for the appellant.

None for the respondent.

RAJIVE BHALLA, J. (Oral)

The appellant, mother of the minor, filed an application for the custody and guardianship of the minor. The Additional District Judge, Ludhiana dismissed the petition on 18.11.2011, and directed her to hand over custody of the minor to the respondent-father. The appeal came up for consideration on 14.12.2011, when by way of an interim order it was ordered that custody of the minor child would remain with the appellant.

Counsel for the appellant states that during pendency of this appeal the respondent-father has passed away on 11.12.2014. The death certificate has been filed in FAO No. M-138 of 2013 which has also been disposed of on the ground that the respondent has passed away. Counsel for the appellant prays that in view of the unfortunate demise of the respondent, order dated 18.11.2011 may be set aside.

No one is present on behalf of the respondent.

We have heard counsel for the appellant. The dispute between the appellant-mother and the respondent-father pertaining to the custody of their minor child, has come to an end with the passing away of the respondent, proved by the death certificate, filed in FAO No. M-138 of 2013 'Bhupinder Pal Singh vs. Sukhwinder Kaur' decided on 12.01.2011. The appellant is admittedly the natural mother, and there are no other competing claims for the custody of the minor. As a result, the appeal is allowed and order dated 18.11.2011 passed by the Additional District Judge, Ludhiana, is set aside.

(RAJIVE BHALLA)
JUDGE

20th January 2016
 jyoti III

(LISA GILL)
JUDGE