

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL MISCELLANEOUS APPEAL No.343 of 2005

JUDGMENT: (Pr Dr. Justice Shameem Akther)

This civil miscellaneous appeal arises out of the order dated 31.12.2004 passed by the learned Senior Civil Judge, Machilipatnam, in H.M.O.P.No.119 of 2002. The said H.M.O.P. was filed by the respondent herein, under Section 13(1)(ib) of the Hindu Marriage Act, 1955, for grant of a decree of divorce by dissolving the marriage between the parties herein. By the order under appeal, the Court below allowed the said O.P. Aggrieved thereby, the appellant/wife is before this Court.

It is now brought to our notice by the learned counsel on record that the respondent/husband is no more. The civil miscellaneous appeal is therefore liable to be dismissed as abated.

It is represented by the learned counsel for the parties that the respondent/husband remarried pursuant to the decree of divorce granted by the Court below, that he had no issues through the second wife but had children through the appellant herein and that both the widows of the respondent intend to settle the issue with regard to the terminal benefits of the respondent before the Legal Services Authority concerned. Both the learned counsel would therefore request to grant liberty to that effect.

The civil miscellaneous appeal is dismissed as abated. Both the widows of the respondent are at liberty to settle their disputes with regard to the terminal benefits of the respondent before the proper forum in accordance with law.

Interim order dated 25.04.2005 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

Dr. SHAMEEM AKTHER, J

Date:10.08.2017

Note:-

Issue CC in one week.

B/o

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