

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

RSA No.855 of 1991

Date of decision:17.4.2017

Mohinder Kaur

...Appellant

Versus

Gurdep Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.G.S.Gandhi, Advocate for the appellant.
Mr.O.P.Hoshiarpuri, Advocate for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Since instant litigation has arisen out of a matrimonial dispute between the husband and wife and a decree of divorce between the parties was passed by the learned court of competent jurisdiction on 3.9.1982, instant appeal does not seem to be surviving in the very nature of things, it being against a decree for recovery of Rs.39,540/- but granted by the learned trial Court for Rs.29,000/-, whereas the learned first appellate court reduced the amount to Rs.12,000/-, vide impugned judgment and decree dated 16.5.1990.

Learned counsel for the respondent-husband submits that husband has died long back.

Learned counsel for the appellant-wife also fairly states that despite numerous letters having been written by him, there is no response from the appellant-wife.

Under these circumstances, it seems that appellant is also not interested to pursue this appeal any further, even if she is still available.

In view of the above, the present regular second appeal is dismissed for non-prosecution, however, liberty is granted to the appellant to get the instant appeal revived within a period of three months, if necessity arises.

17.4.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No