

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

FAO-M No. 355 of 2015(O&M)
Date of decision: 15.05.2017

Neha Gupta @ Neha Jindal

..... Appellant

Versus

Paras Gupta

..... Respondent

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present:- Mr. L.S. Sidhu, Advocate
for the appellant.

Mr. Siddharth Sharma, Advocate
for the respondent.

AJAY KUMAR MITTAL, J. (ORAL)

1. This is a first appeal against the order dated 29.07.2015 passed by learned District Judge, Panchkula, in case No. 371/2014, whereby the petition of the parties filed under Section 13B of the Hindu Marriage Act, 1955 (for short, 'the Act') has been dismissed.

2. Learned counsel for the parties state that after dismissal of the first petition filed under Section 13B of the Act seeking divorce by way of mutual consent by the trial Court on 29.07.2015, another petition was presented before the Trial Court, in which first motion has been recorded and the said petition is listed on 01.10.2017 for recording second motion.

3. In these circumstances, it was submitted that the present appeal has been rendered infructuous and the same may be disposed of as such with liberty to the appellant to file an application for revival of the present appeal in case the second motion is not recorded by the respondent.

4. Disposed of as having become infructuous. It is, however, clarified that in case the respondent does not record the second motion in the petition filed under Section 13B of the Act, it shall be open to the appellant to apply for revival of the present appeal.

(AJAY KUMAR MITTAL)
JUDGE

May 15, 2017
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(HARINDER SINGH SIDHU)
JUDGE

Whether speaking/reasoned Yes/No
Whether Reportable Yes/No