

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (DB) No.143 of 1994

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Farzana Bano, Wife of Waseem Haider Hashmi, daughter of Syed Imdad Hussain, resident of Mohalla Paithantoli, P.S. Alamganj, P.O. Gulzarbagh, District- Patna

... .. Appellant/s

Versus

Waseem Haider Hashmi, Son of Rayas Hussain, resident of B/43 Karim Kuad, P.O. Shiwala, varanasi (U.P.) at present clerk, Department of Persian, Faculty of Arts, Hindu University, Varanasi, District Varanasi- 5 (Uttar Pradesh)

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Abbas Haider, Adv.
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 16-01-2018

This appeal has been filed by the appellant challenging an order passed by the Family Court, Patna in the matter of granting maintenance to the appellant in a proceeding held under Section 125 of Cr.P.C. The appeal is under Section 19 of the Family Courts Act.

The matter is pending since 1994 and Shri Abbas Haider, learned counsel appearing for the appellant wanted



time to seek instruction and today he informs us that the communication sent by him has been returned back with an endorsement that the appellant is not available on the address given.

As the respondent husband was also not appearing, we had directed for issuance of notice on him and called for his appearance today. Service was directed to be effected through the Principal Judge, Family Court, Patna. Notice was issued and the service report received indicates that neither the whereabouts of the appellant is available nor the whereabouts of the respondent husband served through the C.J.M., Varanasi, is available. It is stated that on the address given, no such person is available and in the surrounding, whereabouts of such a person is also not known.

In this matter where this appeal arising out of a proceeding under Section 125 of Cr.P.C. is pending and the appellant and the respondent husband are not known, they are also not instructing their counsel, it seems that the parties are not interested in the matter and with the passage of time the issues seems to have died away.



Keeping in view the aforesaid, this appeal is, therefore, dismissed for want of prosecution with liberty to the parties to review the appeal by filing an appropriate application on a future date, if they are still interested in the matter.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.1.2018
Transmission Date	

