

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

RSA-2215-1992 (O&M)
Date of Decision: 02.07.2018
... Appellant

Biru

Versus

Tejo & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- None for the appellant.

Ms. Harveen Kaur, Advocate for respondents No.1 to 3.

...

TEJINDER SINGH DHINDSA, J. (ORAL)

As no representation was being caused on behalf of the appellant, namely, Biru, this Court on the last date of hearing i.e. on 09.02.2018 had directed issuance of actual date notices to the appellant for today.

As per office report, the notices issued to the sole appellant have been received back unserved with a report that he has since '*died*'.

Pleadings on record indicate that the respondents herein, namely, Tejo and her daughters, namely, Kamla Devi and Salma Devi instituted a suit against Biru and Mehar for maintenance of Rs.300/- P.M. each and for recovery of Rs.5000/- each for marriage of Kamla Devi and Salma Devi. During the pendency of the case, the plaintiffs relinquished claim against Mehar. The suit was decreed vide judgment dated 14.01.1988 against Biru (appellant herein) and he was directed to pay Rs.200/- P.M. each to the plaintiffs (respondents herein) from the date of application till re-marriage of Tejo and marriage of Kamla Devi and Salma Devi. In addition thereto, the appellant herein was further directed to deposit

Rs.5000/- in the names of Kamla Devi and Salma Devi in a fixed deposit for their marriages.

Biru preferred an appeal which was partly allowed vide judgment dated 16.07.1992 rendered by the learned Additional Sessions Judge, Patiala. Decree of the trial Court was modified to the extent that Biru shall not be liable to deposit of Rs.5000/- in the name of Kamla Devi and maintenance shall be charged upon land measuring 59 bighas and 11 biswas.

Resultantly, Defendant Biru is in second appeal before this Court.

Learned counsel representing respondents No.1 to 3 brings to the notice of this Court that even respondent No.1, Tejo has since died and the daughters, namely, Kamla Devi and Salma Devi have since been married.

As per office report, even the appellant has expired.

In view of the factual position noticed herein above, it appears that nothing survives in the present Regular Second Appeal and the same is accordingly, disposed of.

Liberty, however, is granted to the Legal heirs of the appellant (Biru) to move an appropriate application seeking revival of the appeal by demonstrating that any case of action/grievance still survives.

02.07.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |