

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-M-296-2009 (O&M) with
CMM-193-2009

Date of Decision:- 7.2.2018

Gurmeet Kaur

... Appellant

Versus

Kuljeet Singh

... Respondent

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI
HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- None.

M.M.S. BEDI, J.

Respondent-husband had been granted decree for restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955. The appellant-wife had preferred this appeal in the year 2009. Attempt was made for mediation in the year 2010. Thereafter, the case was not listed till 2017 on account of negligence of concerned Senior Assistant of this Court. In view of the said circumstances, we had passed an order that Court notice should be issued to the counsel for the parties as well as to the parties. Counsel for the respondent had pleaded no instructions on last date of hearing, as such notice at the expenses of the Court was ordered to be sent to the respondent also. Notices have been issued to the concerned counsel but these are not received back. Notice issued to the appellant has been received back with the report that there is no woman residing at the address with the name of the appellant.

We have considered the facts and circumstances of the case. The notices were issued to the parties and to the concerned counsel as an abundant caution in order to avoid any order affecting the rights of both the parties on account of the inordinate delay, which occasioned on account of non listing of the case for a period of 7 years. However, a reasonable diligence is required on the part of the litigant as well as the counsel. Neither the counsel for the parties nor the parties themselves have come present despite the fact that the case had been listed and the notices have been issued to them.

In view of said circumstances, the appeal is dismissed for non-prosecution with liberty to get the same restored within a period of one year in case any of the parties is interested in enforcing the legal rights arising out of the matrimonial dispute.

(M.M.S. Bedi)
Judge

7.2.2018
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No