

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-M No. 13 of 2018 (O&M)
Date of Decision: 27.2.2019

Daljit Singh

.....Appellant

Vs.

Surinder Kaur

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: - Mr. Shiv Charan Bhola, Advocate
for the appellant.

RAKESH KUMAR JAIN, J. (ORAL)

This appeal has arisen from the judgment and decree dated 24.5.2017 by which a petition under Section 13 of the Hindu Marriage Act, 1955 ('Act' for short) filed by the respondent-wife has been allowed on the ground of cruelty.

The appeal was filed with delay of 63 days. Notice in the application for condonation of delay was issued and the appellant was also asked to bring a draft of ₹ 10,000/- towards payment of interim litigation expenses to the respondent-wife.

On 23.4.2018, following order was passed by this Court:-

“Notice could not be issued to the respondent for want of process fee.

Proxy counsel for the appellant seeks time to do the needful.

Let, fresh notice in the application for condonation of delay be issued to the respondent for 30.8.2018 through

registered post as well as by ordinary process subject to furnishing of process fee within a period of one week.”

Thereafter on 30.8.2018, following order was passed:-

“As per office report, respondent could not be served at the given address as the house was locked despite many visits of the Process Server.

Let fresh notice be issued to the respondent at the address given, by registered post as well as by dasti process, for 20.12.2018.”

Learned counsel for the appellant has submitted that the appellant is not in his contact despite best efforts, for the purposes of providing the correct address of the respondent as well as to bring the litigation expenses as directed by this Court in its order dated 23.1.2018 and also for making an effort to serve the respondent through registered post and ordinary post as ordered.

Thus, in view thereof, it transpires that the appellant is not interested in pursuing the present appeal and the same is hereby, thus, dismissed for non-prosecution.

(RAKESH KUMAR JAIN)
JUDGE

(HARNARESH SINGH GILL)
JUDGE

February 27, 2019
Gurpreet

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