

HIGH COURT OF CHHATTISGARH, BILASPUR**First Appeal (M) No. 07 of 2013**

Sanjay Yadav S/o Shatruhan Yadav, R/o behind Government
Higher Secondary School, near Gaushala, Dayalband, Bilaspur,
Police Station – City Kotwali, Bilaspur, Tahsil & District Bilaspur,
Chhattisgarh

---- Appellant

Versus

Sarju @ Barbar Yadav, R/o Chantidih (Chantidih Melapara),
Bilaspur, Police Station Sarkanda, Tahsil & District Bilaspur,
Chhattisgarh

----Respondent

For Appellant	:-	Ms. Astha Sharma under instruction of Mr. Goutam Khetrapal, Advocate.
For Respondent	:-	Mr. U. K. S. Chandel, Advocate

Hon'ble Shri Justice P. Sam Koshy

Hon'ble Smt. Justice Rajani Dubey

Judgement On Board

(11.11.2021)

Per P. Sam Koshy, Judge

1. The present is an appeal assailing the order dated 13.07.2012 passed by the Family Court, Bilaspur in Civil M.J.C. No. 33/2010 rejecting the application filed by the appellant under Section 25 of the Guardians and Wards Act, 1890.
2. The appellant-plaintiff had filed the application before the Court below seeking for custody of his minor daughter Ku. Diksha, after the death of the natural guardian, the mother of Ku. Diksha. The application stood rejected vide impugned order dated 13.07.2012 against which

the instant appeal has been filed.

3. Today, when the matter was taken up for hearing, learned counsel for respondent intimated that the appeal has since become infructuous in the light of Ku. Diksha whose custody was being sought through the present appeal herself having died on 22.07.2020.
4. We had asked the learned counsel for appellant to verify the aforesaid averment from the appellant and had passed over the matter.
5. When the matter is called up for the second time, learned counsel for appellant also makes a statement that she has received instruction that the minor daughter of appellant whose custody was being sought through the present appeal namely Diksha has since expired on 22.07.2020.
6. In the light of the aforesaid statement made by the counsel appearing on either side and since the minor child Diksha whose custody was being claimed through the present appeal herself has since expired, there is nothing left for this Bench to adjudicate upon, in the instant case.
7. Accordingly, the appeal stands dismissed as having become infructuous in the light of the death of minor child Diksha.

Sd/-

(P. Sam Koshy)
JUDGE

Sd/-

(Rajani Dubey)
JUDGE