

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

FAMILY COURT APPEAL (FCA) NO.1 OF 2016

Ashok Gulabrao Chaudhary, Panchsheel Nagar, Near CRPF, Hingna Road, Nagpur

-vs-

Indira w/o Ashok Chaudhary, Telengkhedi, Ramnagar, Nagpur

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Ms Varsha Wasu-Dhoble, Advocate for appellant.

CORAM : A. S. CHANDURKAR AND N. B. SURYAWANSHI, JJ.

DATE : January 21, 2021

This appeal has been filed by the husband challenging the judgment of the Family Court thereby dismissing the petition for dissolution of marriage on the ground of cruelty and desertion. The Family Court held that the husband had failed to prove the grounds on which divorce was sought.

Pursis has been filed by the learned counsel for the appellant informing that as per instructions received, the appellant has expired. Since the petition for divorce has been dismissed by the Family Court the marital relationship between the parties continued till the original petitioner expired. The status of the respondent as wife and now as widow is not disturbed.

In view of death of the appellant-husband, the right to sue would not survive.

Accordingly Family Court Appeal No.01/2016 is disposed of as having abated. No order as to costs.

JUDGE

JUDGE