

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

FAMILY COURT APPEAL NO. 313/2014

Kunwarlal s/o Hiralal Wasnik,
age: 45 years, Occ: Service,
R/o Plot No.10-A, Sonal Colony,
Shegaon Road, Amravati, Tq. &
Distt. Amravati.

APPELLANT

.....VERSUS.....

Alka Kunwarlal Wasnik,
age: 46 years, Occu: Service,
R/o C/o Sheshrao Kashiram Hiwale,
Oswal Nagar, near Dr. Gode Hospital, near Oswal
Industries, Chikhli Road, Buldana,
Tq. and Disstt. Buldana.

RESPONDENT

Shri M.P. Karia, counsel for the appellant.
Shri R.J. Mirza, counsel for the respondent

**WITH
FAMILY COURT APPEAL NO.314/2014**

Kunwarlal s/o Hiralal Wasnik,
age: 45 years, Occ: Service,
R/o Plot No.10-A, Sonal Colony,
Shegaon Road, Amravati, Tq. &
Distt. Amravati.

APPELLANT

.....VERSUS.....

Alka Kunwarlal Wasnik,
age: 46 years, Occupation: Service,
Lecturer in Department of Marathi
R/o Vidarbha Mahavidyalaya College, Amravati
Tah. and District Amravati.

RESPONDENT

Shri S.S. Dhengale, counsel for the appellant.
Shri R.J. Mirza, counsel for the respondent

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

DATE : 11TH JANUARY, 2021

ORAL JUDGMENT (PER : A.S. CHANDURKAR, J.)

Heard.

2. The appellant-Husband had filed petition under Section 13(1) (i-a) of the Hindu Marriage Act, 1955 seeking a decree of divorce. The Family Court by its judgment dated 17.05.2014 was pleased to dismiss the said petition for grant of divorce. That judgment is the subject matter of challenge in Family Court Appeal No.313 of 2014.

3. The wife-Respondent in Family Court Appeal No.314 of 2014 had filed petition No.A-180/2010 praying for restitution of conjugal rights. This petition was allowed by the Family Court on 27.05.2014 and the husband has challenged that judgment in the present appeal.

4. Shri M.P. Karia, learned counsel for the appellant submits that during the pendency of both the appeals the respondent has expired. It is seen that due to rejection of petition for grant of divorce, the marital relationship between the appellant and the respondent continued. In that view of the matter, the right to sue would not now continue with the death of the wife. Hence, both the appeals are disposed of having abated. The parties to bear their own costs.

(N.B. SURYAWANSHI, J.)

(A.S. CHANDURKAR, J.)

APTE

**Rohit
Apte**

Digitally signed by
Rohit Apte
Date: 2021.01.12
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