

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 869 OF 2022
IN
FAMILY COURT APPEAL NO. 57 OF 2014

Dineshkumar Ratanchand Jain. ...Applicant.

Versus

Rita Dinesh Kumar Jain
Since deceased through legal representatives
Pradip Vora. ..Respondent.

Mr. Pradeep Thorat for the Applicant.

CORAM : NITIN JAMDAR &
SHARMILA U. DESHUMKH, JJ.

DATE : 16 November 2022.

P.C. :

The Respondent has filed Petition No.B-88 of 2010 for perpetual injunction to restrain the Appellant from dispossessing her from the matrimonial home. By order dated 27 November 2013, the Family Court allowed the petition and restrained the Appellant-husband from disturbing the peaceful possession of the Respondent – wife.

2. By way of interim application for heirs, the death certificate of Respondent stating that she has expired on 13th December 2021, is placed on record.

3. Since the relief of injunction granted in favour of the Respondent was of personal nature, the same would come to an end.

4. In spite of service of notice in the application to the Respondent, the brother of original Respondent, none has come forth. The appeal, therefore, does not survive. Both, the appeal and application, are disposed of. The interim arrangement also does not survive in view of the disposal of appeal.

(SHARMILA U. DESHMUKH, J.)

(NITIN JAMDAR, J.)