

Item-9. 03-08-2023

sg Ct. 8

FAT 3581 of 2001

Souparno Chaudhuri
Versus
Kalpana Chaudhuri

1. The parties are not represented nor any accommodation is prayed for on their behalf.
2. The appeal is pending since 2001. The appeal was appearing in the warning list of cases on and from 31st July, 2023 with a clear indication that the said matter shall be transferred to the main list on 3rd August, 2023 before this Bench. In spite of adequate notice, the appellant is not represented.
3. The appeal is arising out of a judgement and decree dated 7th June, 2001 passed in an application under Section 38 of the Special Marriage Act for making over the custody of the minor to the appellant father.
4. The appeal was filed in the year 2001. As on date, this appeal has now become infructuous. We do not find from the record that any attempt was made by the appellant for early hearing of the appeal. No paper book has been filed. In any event, by reason of efflux of time, the child has now attained majority during the pendency of the appeal.
5. On such consideration, the appeal stands dismissed. However, there shall be no order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)