

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2642 of 2017 (O&M)
Date of Decision: 20.04.2023

SUKHJINDER SINGH
Versus

..... Appellant(s)

GURPREET KAUR

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE

Present: Mr. Deepak Chauhan, Advocate for
Mr. Kuldeep V. Singh Ahluwalia, Advocate.

Mr. Aakash Singla, Advocate for
Mr. Ankush Singla, Advocate
for the respondent.

LISA GILL, J.

1. This appeal has been filed by the appellant-husband challenging judgment dated 20.02.2017, passed by learned Family Court, Barnala, whereby petition under Section 13 of Hindu Marriage Act, 1955 (hereinafter referred to as the Act), filed by him has been dismissed.

2. Notice of motion was issued in this appeal on 24.04.2017. Parties were then referred before the Mediation and Conciliation Centre of this Court. However, mediation between the parties failed and the matter was adjourned for arguments. Application under Section 24 of the Act was filed on behalf of respondent-wife. Time was sought by the appellant to file reply thereto but the same is still not forthcoming. Request of learned counsel who had filed this appeal for withdrawal of his power of attorney was accepted on 20.01.2020 and notice was issued to the appellant. Same was received back with the report dated 06.05.2020 that father of appellant stated that appellant was not coming to the

house since 2 – 3 months.

3. Learned counsel who had earlier been appearing on behalf of the appellant reiterates that file of this case had been taken away from him and he has no instructions with his power of attorney being withdrawn.

4. Learned counsel for the respondent submits that in such a situation, there is no question of fresh notice being issued on filing of correct address as father of appellant is reported to have notice of the appeal and appellant having taken away brief from earlier counsel, was under a duty to pursue the matter. Moreover, respondent is not aware of any other address of appellant.

5. Even today appellant is neither present in Court nor is he represented by his counsel. It appears that he is not interested in pursuing the matter any longer. Appeal is accordingly dismissed in default and for non-prosecution.

6. Copy of this order be conveyed to the appellant at the given address.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

20.04.2023

Sunil

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No