

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 5992 of 2018 (O&M)

Date of Decision: 29.05.2023

NARESH SHARMA

..... Appellant(s)

Versus

LAKSHMI DEVI

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

HON'BLE MRS. JUSTICE RITU TAGORE

Present: None for the appellant.

Mr. Amit Singla, Advocate
for the respondent.

LISA GILL, J.

1. This appeal has been filed by the appellant-husband, challenging judgment and decree dated 28.08.2018, passed by learned District Judge, Additional Family Court, Hisar, whereby the suit for declaration, filed by the respondent-wife was allowed and the present appellant was directed to pay sum of ₹33,000/- per month to the present respondent with the same being set off against any other amount directed to be paid in any other proceedings. Charge was created on the property as detailed in the impugned judgment.

2. It is noticed that none had been appearing on behalf of the appellant on the last three occasions when the matter was taken up for hearing.

Following order was passed on the last date of hearing:-

“Perusal of the file reveals that learned counsel for the appellant had sought time on 08.03.2022 to seek instructions with regard to impleadment of legal heirs of the appellant, who was reported to have died. No steps were taken and it was recorded on 07.09.2022 that respondent seeks to implead the legal representatives of the appellant.

Today, there is no representation on behalf of the parties.

In the interest of justice, adjourned to 29.05.2023.

In case, necessary steps are not taken by the next date of hearing, this appeal may be dismissed in default and for non-prosecution.”

- 3. None again appears on behalf of the appellant/his legal heirs. Appeal is accordingly dismissed for non-prosecution.
- 4. Liberty is granted to the legal heirs of the appellant, if any, to file an appropriate application for revival of the appeal within six weeks.
- 5. Copy of this order be communicated at the given address of the appellant.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

29.05.2023

Sunil

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