

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**FAO-M-205-2017(O&M)
Date of Decision: 20.02.2023**

SUBHASH SAINI

... Appellant

VERSUS

KIRSHNA

....Respondent

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

Present: Mr. Sachin Kumar Chhokar, Advocate for
Mr. Naresh Kumar, Advocate
for the appellant.

LISA GILL, J.(Oral)

Notice of motion has been issued in this appeal filed by the appellant-husband challenging judgment and decree dated 04.07.2017 passed by the Additional District Judge, Panipat whereby petition under Section 13 of the Hindu Marriage Act filed by the respondent-wife was allowed. Defence of the present appellant had been struck off in said proceedings.

Notice of motion was issued in this appeal on 04.09.2017. Respondent has not been served till date for want of correct address despite numerous opportunities afforded to the appellant since then. Coordinate Bench on 14.01.2020 passed the following order :-

“Neither the counsel for the appellant is present nor correct address of the respondent was furnished. The same be furnished within a period of one week, failing which appropriate order will be passed.

*Fresh notice to the respondent be issued for
16.04.2020.”*

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Another opportunity was however again afforded to the appellant on 21.07.2022 to provide correct address of the respondent with a direction that fresh notice be issued to the respondent thereafter. As per office report, correct address has still not been furnished by the appellant.

Learned counsel for the appellant submits that despite best efforts appellant could not be contacted and neither has he come forward with necessary instructions. Learned counsel pleads no instructions.

In this view of the matter, this appeal is dismissed for non-prosecution.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

20.02.2023
Rimpal

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