

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

**FAO-M-306-2017 (O&M)
Date of Decision: April 13, 2023**

KULDEEP KUMAR

..... Appellant

Versus

KIRAN AND ORS

..... Respondents

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

Present: None for the appellant.

Mr. B.D. Sharma, Advocate for respondent No. 1.

LISA GILL, J.

This appeal has been filed by the appellant – husband challenging judgment and decree dated 08.09.2017 passed by the learned Additional District Judge, Jalandhar whereby petition under Section 13 of Hindu Marriage Act, 1955 filed by him was dismissed.

It is to be noted that on 23.01.2023, learned counsel for the appellant had apprised this Court that parties are living together alongwith their children in the matrimonial home. Learned counsel for respondent No. 1 was directed to be notified of the date fixed.

Mr. Sharma – learned counsel for respondent No. 1 on 01.03.2023 stated that he had no instructions as to whether appellant and respondent No. 1 are living together at the matrimonial home. Matter was then adjourned to 13.03.2023 when following order was passed:-

“ Despite having stated that the parties are living together, learned counsel for the appellant prays for an adjournment.

There appears to be no clarity as to whether the parties are now living together at matrimonial home alongwith the children.

At request of learned counsel for the appellant, adjourned to 13.04.2023.

Let parties remain present in Court on the next date of hearing.”

Today, despite the matter being called twice, none appears on behalf of the appellant. Parties are also not present in Court.

Learned counsel for respondent No. 1 reiterates that he has no instructions.

It appears that appellant is not interested in pursuing this appeal any longer.

Accordingly, present appeal is dismissed in default and for non prosecution.

Pending application(s), if any, stands disposed of.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

April 13, 2023
rts

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