

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

**FAO-M No.316 of 2018 (O&M)
Date of Decision: 24.04.2023**

KIRAN DEVI @ BABITA

..... Appellant(s)

Versus

DHARAM PAL

..... Respondent(s)

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

Present: None for the appellant.

LISA GILL, J.

1. This appeal has been filed by the appellant-wife challenging judgment and decree dated 23.12.2006, passed by learned Additional District Judge, Ludhiana, whereby petition under Section 13 of Hindu Marriage Act, 1955, filed by the husband has been allowed. Present appellant was proceeded exparte before the learned Family Court while noting that despite notice, she did not appear.

2. Notice was issued in the application seeking condonation of delay of 4227 days in filing this appeal with notice of motion being issued in the appeal as well on 13.11.2018. Perusal of the file reveals that after issuance of notice of motion, none has appeared on behalf of appellant. Service upon respondent is also not complete despite various opportunities afforded with dasti process also being ordered. Following order was passed on 09.01.2023:-

“As per office report, respondent could not be served at the given address as it is reported that he has retired.

None had appeared on behalf of the appellant on the last three occasions when this appeal was taken up for hearing. Today again there is no representation on behalf of the appellant.

Let fresh and latest address of the respondent be supplied within next three weeks and fresh notice be issued to the respondent thereafter, for 24.04.2023.

In case, needful is not done and there is no appearance on behalf of the applicant/appellant on the next date of hearing, this appeal may be dismissed in default/for non prosecution.”

3. Today again there is no representation on behalf of appellant, despite the matter being called twice neither any steps have been taken for effecting service upon respondent. It appears that appellant is not interested in pursuing the matter any longer.

4. Appeal is accordingly dismissed in default/for non-prosecution.

5. Copy of this order be conveyed to the appellant at the address given in the memo of parties.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

24.04.2023

Sunil

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