

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/FIRST APPEAL NO. 1880 of 2022
With
CIVIL APPLICATION (FOR ORDERS) NO. 1 of 2022
In R/FIRST APPEAL NO. 1880 of 2022

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KAILASHBEN MAHADEVBHAI RAVAL W/O NILESHBHAI
JESHINGBHAI RAVAL

Versus
NILESHBHAI JESHINGBHAI RAVAL

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Appearance:

MR SIKANDER SAIYED(3458) for the Appellant(s) No. 1
MR .B A PATEL(5281) for the Defendant(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE BIREN VAISHNAV

and

HONOURABLE MS. JUSTICE NISHA M. THAKORE

Date : 18/01/2024

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE BIREN VAISHNAV)

Present appeal has been filed by Kailashben Mahadevbhai Raval on being aggrieved by the judgment and order dated 31.3.2022 passed by the Family Court No.4, Ahmedabad, by which, the Family Suit No.2457 of 2018 filed by the respondent for dissolution of marriage has been allowed. The Family Court while allowing the suit dissolved the marriage on the ground of cruelty and desertion under Section 13-A of the Hindu Marriage Act. The order further recorded that the husband is ordered to pay Rs.2 lakhs to the respondent- wife towards permanent alimony for herself and maintenance of three children.

During the course of hearing of this appeal on 12.07.2022 statement was made by learned counsel for the respondent that sum as awarded by the trial Court has been deposited in the

Family Court.

Today when the appeal is taken up for hearing, we have come across a note placed by learned counsel Mr. Bhavik A Patel that the respondent has died on 22.5.2023. Obviously, therefore, due to the death of the respondent, even otherwise, it will be an exercise in futility to undertake the hearing of the appeal on merits, particularly when the appeal has abated.

The appeal therefore, stands disposed of as abated. It would be open for the appellant to approach the Family Court in light of the order dated 12.07.2022 to withdraw the principal amount of Rs.2 lakhs deposited before the Family Court together with interest accrued thereon.

In view of disposal of appeal, connection Civil Application also stands disposed of.

(BIREN VAISHNAV, J)

(NISHA M. THAKORE,J)

KAUSHIK J. RATHOD