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SLP(C)No. 4461 OF 2000

ITEM No.25

Court No. 9

SECTION IVB  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.4461/2000

(From the judgement and order dated 30/09/1999 in FAO 54/99  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

NITA KAUR MUNDI

Petitioner (s)

VERSUS

TEJVIR SINGH MUNDI

Respondent (s)

Date : 30/07/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI  
HON'BLE MR. JUSTICE S.N. PHUKAN

For Petitioner (s) Mr. Vipin Gogia, Adv. for  
Mr. T.S. Arora,Adv.

For Respondent (s) Mr. RN. Keshwani, Adv.

UPON hearing counsel the Court made the following  
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....T....J  
.SP2

Leave is granted.  
Appeal is disposed of. There shall be no order as to  
costs.

.SP1

(S. Thapar) (Radha Rani Bhatia)@@

AA

PS to Registrar Court Master@@

AA

The signed order is placed on the file.

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4938 OF 2001@@  
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(Arising out of SLP(C)No.4461 of 2000)

Nita Kaur Mundi

Appellant (s)

Versus

Tejvir Singh Mundi

Respondent (s)

O R D E R@@  
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Leave is granted.

This appeal arises from the order of the High Court of Punjab & Haryana at Chandigarh in F.A.O.No.54 of 1999 dated 30th September, 1999. The wife is the appellant and the respondent is her husband. The appellant preferred an appeal in the High Court of Punjab & Haryana at Chandigarh, aggrieved by the order of the learned District Judge, Chandigarh in H.M.A.No.12 granting decree of divorce on the ground of desertion. When the case came up for hearing before the Division Bench, with a view to persuade the parties to have settlement, the learned Judges directed the appellant to be present in Court. It seems the appellant did not chose to do so. Taking note of that, the Division Bench dismissed the appeal on 30th September, 1999. It is that order which is the subject matter of the present appeal.

Heard learned counsel for the parties.

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The appellant presented herself before this Court once and also filed an undertaking dated 24th March, 2001 that she would be present in the High Court when the matter would come for consideration of the Court. In view of this undertaking we consider just and appropriate to give an opportunity to the appellant as well as the respondent to have the matter settled or adjudicated by the High Court. The order under appeal is delivered. The appeal is restored to the file of the High Court. The High Court will now proceed with the appeal and dispose of the same in accordance with law.

.....J  
(Syed Shah Mohammed Quadri)

New Delhi,  
July 30, 2001

.....J  
(S.N. Phukan)