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C.A.No. 3775 OF 1999

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3775 OF 1999

MOTI RAM.....APPELLANT(S)

VERSUS

SHAKUNTALA RANI.....RESPONDENT(S)

O R D E R

This appeal by special leave arises out of an application filed for the custody of the child, Master Lucky whose parents died in an accident on 20th February, 1988. The appellant before us is the maternal grand father of the child whereas the respondent is the paternal grand mother of the child. The respondent applied to the Court of District Judge, Shimla for custody of the minor child which was disposed of by the Additional District Judge (I), Shimla by Order dated 29.6.1992 allowing the application and granting custody of the child to the respondent-grand mother. The appellant without handing over custody of the  
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child to the respondent preferred an appeal before the High Court being F.A.O.No.292 of 1992 which was also dismissed on 20th November, 1992. The appellant then filed a review petition which was also dismissed on 21.8.1997. Thereafter the petitioner obtained special leave of this Court. That is how this appeal has come up before us for hearing.

It is stated by Counsel appearing on behalf of the respondent that the child was two years old when the accident took place on 20th February, 1988. From the record before us also it appears that the Courts below proceeded on the basis that he was born in the year 1986, though the exact date of birth is not known. Counsel for the respondent states that the minor is now 18 years and 7 months old and, therefore, this appeal has been rendered infructuous, as no directions can now be given with regard to the custody of an adult. Counsel for the appellant does not dispute this position, but states that he has not received any instructions from his client. Obviously with the passage of time, the appellant may have lost interest in the matter. In the circumstances, we have no option but to dismiss the appeal as having become infructuous.  
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This Appeal is accordingly dismissed as having become infructuous.

.....J.  
(B.P.SINGH)

.....J.  
(ARUN KUMAR)

NEW DELHI;  
DECEMBER 2, 2004

S U P R E M E C O U R T O F I N D I A  
Record of Proceedings

Civil Appeal No. 3775 of 1999

Moti RamAppellant (s)

VERSUS

Deeba DeviRespondent(s)

(With prayer for interim relief and office report)

Date :2/12/2004 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P.SINGH

HON'BLE MR. JUSTICE ARUN KUMAR

For Appellant (s)Mr. Atul Sharma, Adv.

Mr. Anoop Rawat, Adv.

Mr. Dinesh Pardarani, Adv.

Mr. M.A.Chinnasamy, Adv.

For Respondent (s)Mr. Himinder Lal, Adv.

UPON hearing counsel, the Court made the following

O R D E R

The appeal is dismissed as having become infructuous in view of the signed order.

(SUKHBIR PAUL KAUR)(ASHA JOSHI)

COURT MASTERCOURT MASTER

(Signed Order is placed on the file)