

SUPREME COURT OF INDIA

Ranbir Singh Dhanjal

Vs.

Aruna Gupta

C.A.No.2372 of 2002

(Harjit Singh Bedi and B. Sudershan Reddy JJ.)

30.04.2009

ORDER

1. This appeal of the year 2002 has been filed by the appellant in-person, who is the former husband of respondent No.1. The claim in the appeal is that a sum of rupees twenty two lakhs and odd, which the appellant claims he has spent on his wife, should be defrayed by her to him. The plaintiff appellant claimed reliefs in the following term: "Decree for specific performance of 1/4th share in the property Unit No.B-1-974, out of property measuring 2400 sq. yds. situated at Rajpura Road, Ludhiana and/or in the alternative for recovery of Rs.22,05,000/-"

2. The trial Court, in its judgment dated 18th September 1999, partly decreed the suit inasmuch that a decree for Rs.15,29,417.15p. was granted, though the suit qua the claim for specific performance was dismissed. The appellate Court, however, allowed the appeal and dismissed the suit in toto. This order has been affirmed by the Division Bench in a Letters Patent Appeal. The said orders have been challenged in this appeal by special leave.

3. In the memo of parties, the appellant has given his address as under: Ranbir Singh Dhanjal son of Late S. Tarlochan Singh Resident of Canada, at present residing at 205, Sector 36A, Chandigarh. It would be clear from the memo that the address relating to Canada is indeterminate and the efforts to serve the appellant on his address in Chandigarh have remained futile. The office report shows that the notices sent have been received unserved with the remarks 'addressee left'.

4. In this view of the matter, we have no option but to dismiss the appeal in default. No costs.