

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.470 of 2013

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Vinod Kumar Choubey, S/O Late Birendra Choubey, Resident of Vill. and P.O-
Babhnaul, P.S- Dawath, Distt- Rohtas.

.... Appellant/s

Versus

Sangeeta Mishra, W/O Vinod Kr. Choubey and D/O Uma Kant Mishra, Resident of
Vill. Mishrawalia, P.O- Malaur, P.S- Charpokhri, Distt- Bhojpur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

Date: 26-06-2015

Delay of 22 days in filing the memo of appeal is
condoned, as we are satisfied after perusing the contents of the
interlocutory application that appellant was prevented by sufficient
cause in not preferring the present appeal in time.

2. I.A. No. 4312 of 2013 is, accordingly, disposed of.

3. Having condoned the delay we consider the merit
of the appeal. Appellant is the husband. By filing this appeal he has
assailed judgment dated 26.02.2013, passed by Principal Judge,
Family Court, Bhojpur at Ara, in Matrimonial Case No. 4 of 2009
whereunder request of the wife to dissolve her marriage with the
appellant has been decreed in favour of the wife. From perusal of the

impugned judgment, it appears that the court below discussed issue nos. 1, 4 in the light of the evidence adduced by the parties i.e. P.W. 1 the wife, P.W. 2 Uma Kant Mishra her father and P.W. 3 her sister and her husband O.P. No. 1. Having considered the evidence the court below found in paragraph 9 that the wife has been deserted by her husband from 2002 and in appreciation of such fact divorce was allowed and their marriage was dissolved.

4. We see no reason to interfere with the impugned judgment. Appeal is dismissed.

(V.N. Sinha, J)

(Nilu Agrawal, J)

Rajesh/-

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