

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.621 of 2013

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Baleshwar Yadav son of late Kado Yadav, resident of village Makhdumpur, Police Station Korha, District Katihar, at present residing at village Pakaria, Police Station Falka, District Katihar

.... Petitioner/Appellant

Versus

1. Durga Devi wife of Baleshwar Yadav, permanent resident of village Mateli, Police Station Rupauli, District Purnea at present residing at village Bhawanipur Police Station Bhawanipur, District Purnea

.... Respondent Ist party/Respondent Ist party

2. Deep Narayan Yadav son of late Bhuneshwar Yadav, resident of village Makhdumpur, Police Station Korha, District Katihar

.....Respondent 2nd party/Respondent 2nd party

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Appearance :

For the Appellant : Mr. N.K. Agrawal, Senior Advocate
Mr. Vikram Singh, Advocate
Mr. Jyoti Ranjan Jha, Advocate

For the Respondents : None

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

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

Date: 01-04-2015

Heard learned counsel for the appellant.

2. Husband is the appellant. He has filed this appeal against the order dated 30.07.2013 passed by Principal Judge, Family Court, Katihar in Matrimonial Case No. 122 of 2005 whereunder petition under Section 13(1)(i)(i-a)(i-b) of the Hindu Marriage Act seeking dissolution of his marriage with Respondent no.1 has been rejected holding that the case set out by the appellant that he saw his wife 25

years earlier committing adultery with Respondent no.2, but filed such petition only after 25 years of having seen the adultery is worth not consideration.

3. We see substance in the view taken by the court below.

The appeal is, accordingly, dismissed.

(V.N. Sinha, J.)

(Ahsanuddin Amanullah, J.)

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