

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No. 272 of 2012

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Neetu Devi W/O Santosh Bhagat and D/O Late Bindeshwari Bhagat, Resident of Village - Maheshkhut, P.S. Maheshkhut, District – Khagaria.

.... Opposite Party No. 1----- Appellant/s
Versus

1. Santosh Bhagat S/O Harish Chandra Bhagat, Resident of Singheshwar, P.S. Singheshwar, District – Madhepura.

-----Petitioner- Respondent 1st Set.

2. Sahdeo Bhagat S/O Late Yugal Bhagat Resident of Mohalla - Near Saharsa College Gate, Saharsa, P.S. Saharsa, District – Saharsa.

....Opposite Party No. 2- Respondent 2nd Set.

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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 MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

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

Date: 23-04-2015

Wife is the appellant. She has filed this appeal assailing the judgment and order dated 20.05.2009 passed by the Principal Judge, Family Court, Madhepura in Matrimonial Case No. 26 of 2007 whereunder request of the husband to dissolve his marriage with the appellant on the ground of adultery has been allowed.

2. It appears that in support of the charge of adultery respondent-husband examined himself and his elder daughter as P.W. 1 and P.W. 2. P.W. 2 categorically stated that her mother is residing with co-defendant Sahdeo Bhagat and she had seen her sleeping with Sahdeo Bhagat on the same bed and the door of the room closed. Learned court below having watched

the demeanor of the witnesses and satisfied about the nature and contents of the evidence deposed in support of the charge of adultery, passed impugned judgment and order dated 20.05.2009 allowing the request of the husband to dissolve his marriage with appellant-wife.

3. We see no reason to take a different view in the matter. Accordingly, the appeal is dismissed.

4. Before parting with this order, we would like to observe that appellant had six children, out of whom five children are residing with the respondent-husband and one child who is one and a half year old is residing with the appellant. Besides the appeal is barred by almost three years as the same was filed on 20.04.2012 whereas the impugned judgment was passed on 20.05.2009 in which she appeared and contested.

5. In the circumstances, we see no reason to condone the delay in filing the appeal, accordingly, limitation petition, bearing I.A. No. 2936 of 2012 is also dismissed.

(V.N. Sinha, J.)

(Ahsanuddin Amanullah, J.)

Anand Kr.

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