

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.25 of 2011

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Dhananjay Pandey, son of Late Ram Prit Pandey, resident of Village Amawn
Vijaypur, P.S. Kuchaikot, District Gopalganj

.... Appellant/s

Versus

Meera Devi, wife of Dhananjay Pandey, D/o Ram Ayodhya Pathak, resident of
Village Kuchaikot, P.O. & P.S. Kuchaikot, District Gopalganj

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Naresh Chandra Verma, Advocate
Mr. Natraj Verma, Advocate

For the Respondent/s : Mr. Ranjeet Kumar Pandey, Advocate

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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: 12-02-2015

Heard learned counsel for the parties.

2. Appellant-husband has filed this appeal assailing the judgment dated 30.09.2010, passed by Principal Judge, Family Court, Gopalganj, in M.M. Case No. 69/08 whereunder his request for grant of decree for divorce has been refused on the ground that respondent-wife does not suffer from any mental disorder. In this connection, we may refer to the findings recorded by the court below in Paragraph 8 of the impugned judgment where the court having considered the evidence of the wife (O.P.W.-4) has categorically held that as she has been fluently answering the question put to her by the court she does not appear to be suffering from any mental disorder. Further, the court below has held that the appellant herein did not even pray for referring the wife for

being examined by a Medical Board.

3. Learned counsel for the appellant, however, placed reliance on the judgment of the Supreme Court dated 30.09.2011 passed in Civil Appeal No. 8402 of 2011 in the case of Pankaj Mahajan Vs. Dimple @ Kajal whereunder request for divorce at the instance of the husband was granted as the wife threatened the husband of committing suicide and also attempted to commit suicide once. In the present case, there is no such situation. In the circumstances, it is difficult to rely on the proposition laid down in the case of Pankaj Mahajan (supra) to the facts of the present case.

4. In view of the findings aforesaid, we are not inclined to interfere with the impugned judgment. The appeal is dismissed.

(V.N. Sinha, J.)

(Ahsanuddin Amanullah, J.)

Rajesh/-

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