

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.765 of 2011

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Amarendra Kumar @ Bachha Babu, Son of Sri Arjun Prasad Singh, R/o Village –
Fatehpur Ram, P.S. – Mahua, District - Vaishali

.... Applicant/Appellant

Versus

Sandhya Kumari, W/o – Amarendra Kumar, D/o, Resident of
Village – Revadih, P.S. – Saraiya, District - Muzaffarpur

.... Opposite party/Respondent

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Appearance :

For the Appellant/s : Mr. L.N. Das, Advocate
Mr. Amaresh Kumar Singh, Advocate
Mr. Prashant Kumar, Advocate

For the Respondent/s : 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: 16-02-2015

Heard learned counsel for the appellant.

This Miscellaneous Appeal by the husband is directed against the impugned judgment dated 08.07.2011 passed in O.S. Case No. 37 of 2005 by Principal Judge, Family Court, Vaishali at Hajipur, whereunder petition filed under Section 13(1) (ia) of the Hindu Marriage Act has been held to be not maintainable and dismissed with cost.

It is submitted on behalf of the appellant that while he was minor, he was kidnapped by his in-laws and forcibly married to Sandhya Kumari, the respondent. In this connection, it is submitted

that earlier Mahua P.S. Case No. 30 of 2002 was filed asserting that appellant was kidnapped on 13.03.2001 and forcibly married to Sandhya Kumari. In the said kidnapping case, police submitted final form whereafter protest petition was filed and the matter is still pending trial.

From the 164 Cr.P.C. statement recorded by this appellant and referred to in the impugned judgment, it is quite obvious that appellant continued her matrimonial relationship with Sandhya Kumari for 11 months after 13.03.2001 and brought her to his own house whereafter these proceedings were taken.

In the circumstances, we are not inclined to entertain the appeal, which is dismissed, however, subject to the result of the kidnapping case which is under trial. In the light of the result of the trial, appellant shall be at liberty to take steps in accordance with law.

In view of the aforesaid order, prayer made in I.A. No. 6734 of 2011 to condone the delay in filing the present appeal is also disposed of.

(V.N. Sinha, J.)

(Ahsanuddin Amanullah, J.)

Arjun/-

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