

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.711 of 2013

Sanjay Yadav, Son of Siya Lakhan Yadav, Resident of Village- Laxmanpur, P.S.-
Bahera, District- Darbhanga

.... Appellant

Versus

Nitu Kumari, Daughter of Krishna Yadav, At present residing at Mohalla-
Sahebdadganj, Manser, Ward No.-15, P.O.- Lalbag, P.S.- L.N.M.U., District-
Darbhanga

.... Respondents

Appearance :

For the Appellant : Mr.

For the Respondent : Mr.

CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

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

Date: 30-04-2015

By filing I.A. No. 1935 of 2014 appellant
husband has applied for condoning 27 days' delay in
filing the appeal.

2. Having perused the Interlocutory
Application we are satisfied that appellant has made
out a case for condoning the delay in filing the appeal.
Delay in filing the appeal is, accordingly, condoned.
I.A. No. 1935 of 2014 is, accordingly, allowed.

3. Appellant husband is assailing the
judgment, order dated 29.08.2013 passed by
Principal Judge, Family Court, Darbhanga in

Matrimonial Suit No. 58/2009, whereunder request for restitution of marriage under Section 9 of the Hindu Marriage Act, 1955 has been rejected in view of the evidence of the respondent 1st party wife. The evidence of respondent 1st party wife has been discussed in paragraph 10 of the judgment wherefrom it appears that she does not want to reside at the matrimonial home as in the absence of her husband, who is working in Haryana, the father-in-law is keeping an evil eye on her.

4. In the circumstances, we see no reason to interfere with the judgment, order under appeal. The appeal is dismissed.

(V.N. Sinha, J)

(Nilu Agrawal, J)

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