

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.56 of 2013

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Pramod Kumar Singh, son of Sri Srikant Singh, Resident of village- Bithuna, P.O. Bithuna, P.S. Basantpur, District- Siwan

.... Appellant/s

Versus

Rima Devi daughter of Shesh Nath Singh and wife of Pramod Kumar Singh resident of village- Paltu Hata, P.O. Paltu Hata, P.S. Jamo Bazar, District- Siwan

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. S.B.K. Manglam, Advocate

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

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

Date: 06-05-2015

Sri S.B.K. Manglam, learned counsel for the appellant submitted that he may be granted time so that he can prepare himself to argue the case. We refused such prayer, as yesterday when the case was placed under the heading “On Office Notes” we at the request of the counsel directed the matter to be listed under the heading “For Admission” tomorrow so that the same may be disposed of.

2. The present matter was initially filed on 02.09.2009 as criminal revision in which learned Single Judge of this Court issued notice under order dated 04.09.2009 whereafter on 14.12.2012 matter was found not maintainable

and directed to be converted into the present appeal.

3. In such circumstances, to keep this matter pending even for a day is to assist the learned counsel in keeping matters unnecessarily pending in this Court for which we are not inclined. In such circumstances, we have ourselves perused the impugned judgment 02.04.2009 passed by Principal Judge, Family Court, Siwan in Divorce Case No. 12 of 2002 as also the evidence discussed therein.

4. The court below having appreciated the evidence of the husband and the wife who examined themselves as P.W.7 and O.P.W. 6, rejected the request of the appellant to dissolve his marriage with the sole respondent in the light of the evidence adduced by the parties. The wife though being humiliated by the husband by asking her to grant carnal consent, still became agreeable to join the matrimonial home, provided appellant does not insist for carnal, unnatural intercourse. In the circumstances, we see no reason to take a different view in the matter.

5. During deliberation it also transpired that wife has not been paid even the maintenance amount and is perhaps suffering starvation and the matter is kept pending in this Court. In the circumstances, we not only dismiss the



appeal, but also with heavy cost of Rs. one lac to be paid by the appellant to the respondent.

(V.N. Sinha, J.)

(Nilu Agrawal, J.)

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