

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Miscellaneous Appeal No.387 of 2013**

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Rajesh Kumar

.... .... Appellant/s

Versus

1.Rabita Kumari ,wife of Rajesh Kumar, 2. Bipin Kumar 3. Shashi Bhushan Kumar.

.... .... Respondent/s

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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 JUSTICE SMT. NILU AGRAWAL**

**ORAL ORDER**

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

4      23-06-2015                      Heard learned counsel for the appellant and learned counsel for the respondent No.1.

2. From office notes dated 20<sup>th</sup> June, 2015, we are satisfied that notices were served on respondent Nos. 2 and 3 but they have not chosen to appear and it is evident from the impugned judgment itself that they had not appeared in the Court below as well in such circumstance, without waiting for their appearance, we are proceeded to hear the appeal on merit.

3. Appellant is the husband and his request for grant of decree of Divorce dissolving his marriage with respondent No. 1 has been rejected by the impugned Judgment dated 15.03.2013 passed by the Addl. District Judge, Sheikhpura in T.S. (Matrimonial) 43/2008.

4. It is submitted on behalf of the appellant with reference to paragraph-7 of the petition of appeal that the wife herself admitted before him that she had illicit connection with Respondent Nos. 2 and 3 which has also been incorporated in the impugned judgment in paragraph-27 but ignoring such admission matrimonial case has been rejected.

5. Aforesaid submissions has been noted in this order only for being rejected as from the evidence of wife it does not appear that she admitted illicit connection with respondent nos. 2 and 3.

6. It appears the husband (appellant) imagined that his wife had illicit connection with respondent Nos. 2 and 3 and set out a case to that effect which he could not prove on the basis of the evidence.

7. In the circumstances, we see no merit in this appeal, which is accordingly, dismissed.

**(V.N. Sinha, J)**

**(Nilu Agrawal, J)**

Sudha/-

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