

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No. 359 of 2013

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Awadhesh Kumar Singh S/O Late Rajdeo Singh R/O Village- Sugiya Katsari, P.S-
Sheohar, District- Sheohar.

.... Applicant.... Appellant

Versus

Nitu Kumari D/O Late Ugra Narayan Singh R/O Village Sishautiya, P.O- Kririya
Pipra, P.S- Parihar, District- Sitamarhi.

.... Respondent.... Respondent

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Appearance :

For the Appellant : Mr. Ravi Kumar Pandey and
Mr. Ranjeet Kumar Pandey, Advocates

For the Respondent : Mr. Dinesh Jah, 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: 19-02-2015

The appellant-husband has challenged the order dated
13.03.2013 passed by the Principal Judge, Family Court, Sheohar in
Matrimonial Case No. 182 of 2012 whereunder his request for
restitution of his marriage with Nitu Kumari has been rejected.



2. From perusal of the judgment, we are satisfied that the same has been passed without considering the point of view of the respondent as she had no occasion to appear. It is submitted on behalf of the respondent that she could not appear as she was not provided with any maintenance and litigation cost. It is also pointed out on her behalf that her husband-appellant is a Panchayat Teacher and has landed property.

3. Having heard learned counsel for the parties, we set aside the order dated 13.03.2013 passed by the Principal Judge, Family Court, Sheohar in Matrimonial Case No. 182 of 2012 with direction to the parties to appear before the court below on 10th March, 2015.

4. Appeal is allowed.

5. In the event, the Court of the Principal Judge, Family Court, Sheohar is vacant on 10th March, 2015, then the parties will appear before the District and Sessions Judge, Sheohar, who shall take up Matrimonial Case No. 182 of 2012 in her file and after conciliating the matter between the parties, pass appropriate order in accordance with law within a reasonable time. On the date of first appearance of the parties, the appellant-husband shall pay Rs. 1,000/- to the wife as cost of maintenance and litigation. Thereafter, the husband shall continue to pay the said amount on every succeeding

month of the first Monday until disposal of the case and payment made in light of this order shall be subject to the final order passed in the matrimonial case by the concerned court.

(V.N. Sinha, J)

(Ahsanuddin Amanullah, J)

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