

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.775 of 2014

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Shailesh Kumar S/o Shri Ravindra Nath Prasad, R/o Sector - 3D/762, Bokaro Steel City, District - Bokaro, Jharkhand - 827003.

.... Appellant/s

Versus

Renu Kumari W/o Shailesh Kumar, D/o Late Baliraj Rai R/o Plot No. Y - 9, Phase 2, Ashiana Nagar, Gopal Singh Nepali Nagar, Off - Ashiana Digha Road, Patna - 800025.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Bharti, 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: 24-06-2015

Delay of 39 days in filing the present appeal is condoned, as we are satisfied that appellant was prevented by sufficient cause in not filing the appeal within time.

2. I.A. No. 4596 of 2015 is allowed.

3. Heard learned counsel for the husband-appellant.

4. By filing this appeal, appellant has challenged judgment dated 16.09.2014 passed by Additional Principal Judge, Family Court, Patna in Matrimonial Case No. 742 of 2009 whereunder request of the wife-respondent herein for dissolving her marriage with the appellant-husband has been decreed in her favour.

5. In paragraphs 11 to 18 of the impugned judgment, the

court below has considered Issue No. 4, with reference to the evidence of wife, P.W.1, her mother, P.W.2 and the evidence of the husband, O.P. Witness No.1 in the light of the pleadings filed by them as also the documents exhibited in the proceedings.

6. It appears, husband also alleged illicit relationship of his wife with one Sumant Kumar Singh. In this connection, we may refer to Ext.5, final form submitted in connection with Jakkanpur P.S. Case No. 89 of 2014 on the basis of which the court below concluded that the allegations levelled against the wife that she had illicit connection with Sumant Kumar Singh is not correct. The court below has taken a comprehensive view of the conduct of the parties and in the light thereof has passed the decree dissolving the marriage.

7. We see no illegality in the impugned judgment. The appeal is, accordingly, dismissed.

(V.N. Sinha, J.)

(Nilu Agrawal, J.)

Arjun/-

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