

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

**Miscellaneous Appeal No.311 of 2014**

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Parmeshwar Choudhary, Son of Baiju Chaudhary, Resident of Mohalla Driver Tola,  
P.O. + P.S. and District - Katihar

.... .... Appellant/s

Versus

Kaushalya Devi, Wife of Parmeshwra Chaudhary, Resident of Mohalla Driver Tola,  
P.O. + P.S. and District - Katihar

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Md. Waliur Rahman, Advocate

For the Respondent/s : Mr.

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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: 09-07-2015**

Heard learned counsel for the appellant.

2. Appellant-husband has filed this appeal assailing judgment dated 19.02.2014, passed by Additional Principal Judge, Katihar, in Matrimonial Case No. 351/2010 rejecting his request filed under Section 13 of the Hindu Marriage Act, 1955 to dissolve his marriage with respondent Kaushalya Devi. In this connection, court below examined three witnesses on behalf of the applicant-husband, namely, P.W. 3 the husband and two other outsiders.

3. Claim of the husband that he never got any matrimonial relationship with Kaushalya Devi as he had a wife with four children from before, has been rejected, as prior to launching of

the present case a sum of Rs. 60,000/- was allowed to Kaushalya Devi as maintenance. If husband had no connection with Kaushalya Devi, what persuaded him to grant her maintenance of Rs. 60,000/-. Appreciating such fact the court below has rejected the request of the husband under the judgment impugned. We see no illegality in the judgment under appeal. The appeal is dismissed.

4. As we have found no merit in the appeal, there is no point in considering the limitation petition, which is also rejected.

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

**(Nilu Agrawal, J.)**

Rajesh/-

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