

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.640 of 2011

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Smt. Madhubala Devi wife of Vijay Kumar Upadhaya daughter of Triloki Nath Upadhaya, resident of Village Pashrana, P.S. Gopalganj, District Gopalganj at present residing at Nautan Bazar, P.S. Ekma, District Saran

.... Opp. Party Appellant

Versus

Vijay Kumar Upadhaya son of Sri Rambilash Upadhaya, resident of Village Pashrana, P.S. Gopalganj, P.O. Bsdelah Bazar, District Gopalganj.

.... Appellant.... Respondent

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Appearance :

For the Appellant/s :

For the Respondent/s :

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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: 07-04-2015

None appear for the appellant. Same was the position even yesterday.

2. In the circumstances, we have perused the impugned judgment whereunder request of the appellant-husband for restitution of conjugal right has been allowed. It appears the court below having considered the evidence of the husband and wife found that the wife

left the matrimonial home after birth of a son without any valid reason.

3. Having gone through the impugned judgment, we are satisfied with the judgment impugned is required to be affirmed with a clarification that the child shall remain with the mother till any other order is passed by the competent authority in accordance with law.

4. The appeal is dismissed.

(V.N. Sinha, J)

(Ahsanuddin Amanullah, J)

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