

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.37 of 2010

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Poonam Pandey, W/o Sri Tripurari Pandey, D/o Yamuna Pandey, R/o Village- Tiura, P.S. Chutiya, Distt. Rohtas (Sasaram)

.... Appellant

Versus

Tripurari Pandey, S/o Late Banwari Pandey, R/o Village- Sikanderpur, P.S. Chainpur, Distt. Bhabua (Kaimur)

.... Respondent

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Appearance :

For the Appellant : Mr.

For the Respondent : Mr.

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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: 16-02-2015

Wife is the appellant. She has filed the appeal assailing judgment dated 16.12.2009 passed in Matrimonial Case No. 82/06 by Principal Judge, Sasaram, Rohtas, whereunder her request for grant of divorce has been refused allowing her a maintenance of Rs. 1,000/- per month.

2. It is submitted on behalf of the appellant wife that divorce from the husband was sought on the ground that husband under influence of intoxication was forcing her to indulge in prostitution with other unknown persons. Wife has not named any of those persons as she asserts that her husband being a truck driver under influence of

intoxication was asking his other truck driver, cleaner friends to have sexual intercourse with her. It is submitted that her husband in course of time has become alcoholic. In spite of notice, husband has chosen not to appear in the proceedings to contest the claim of the wife, in the circumstances, we set aside the impugned judgment, decree and direct that a decree of divorce dissolving marriage of the appellant with respondent Tripurari Pandey be granted, of course without any amount of alimony payable to her from the date of institution of the suit for divorce, as is agreed on her behalf by the learned counsel. It goes without saying that the daughter of the appellant will have right to claim maintenance, interest in the properties of her father.

3. The Miscellaneous Appeal is, accordingly, disposed of.

(V.N. Sinha, J)

(Ahsanuddin Amanullah, J)

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