

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.848 of 2010

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Bebi Devi alias Rambha Devi alias Bebi Kumari, daughter of late Madan Mohan Yadav, at present residing at Village- Meghauna, Police Station- Alauli, District- Khagaria

.... Appellant

Versus

Vijay Kumar Roy, son of Ram Dayal Roy, resident of Mohalla- Kashipur, P.S. & District- Samastipur.

.... Respondent

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Appearance :

For the Appellant : Dr. Krishna Nandan Singh, Sr. Advocate.

Mr. Anshuman Singh, Advocate.

Mr. Sriram Krishna, Advocate.

For the Respondent : Mr. Pushkar Narain Shahi, Sr. Advocate.

Mr. Amiya Kumar, Advocate.

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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: 20-05-2015

Heard learned counsel for the appellant and the respondent.

2. In view of the affidavit dated 27.04.2007 of the appellant affirmed before this Court in Cr. Misc. No. 13335 of 2006, Exhibit-2 that she does not want to continue matrimonial relationship with the respondent as his wife we modify judgment dated 30.04.2010 passed by Principal Judge, Family Court, Samastipur in Divorce Case No. 81 of 2007 and dissolve her marriage with the respondent, but would observe that appellant would continue to get 1/3rd of

the take home salary of the respondent, which she is already getting by virtue of Order Nos. 19, 20 dated 12.09.2013, 30.10.2013 passed in Cr. Misc. No. 40200 of 2009 until the parties reach a settlement about the amount of permanent alimony. While resolving the issue of permanent alimony parties and the forum concerned shall take into account the amount payable to the respondent in the light of 6th Pay Revision benefit as presently respondent is not getting salary in the light of the said revision although his other colleagues are drawing salary in terms of 6th Pay Revision Recommendation.

3. The appeal stands disposed of.

(V.N. Sinha, J)

(Nilu Agrawal, J)

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