

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.328 of 2013

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1. Reeta Devi wife of Ranjeet Bharati. Daughter of Shivjee Giri
2. Shivjee Giri son of late Fulena Giri. Both resident of village – Mathia, P.O. –
Madhopur, P.S. – Jahco Bazar, District - Siwan

..... Opposite parties/Appellants

Versus

Ranjeet Kumar Bharati son of Bharat Bharati, resident of village – Bal Ke Mathia,
P.O. – Chainwa, P.S. – Rasulpur, District - Saran

..... Petitioner/Respondent

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Appearance :

For the Appellant/s : Mr.
For the Respondent/s : 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: 03-03-2015

Wife is appellant no.1. She has filed this appeal assailing the impugned judgment dated 29.11.2011 passed by Principal Judge, Family Court, Saran at Chapra in Matrimonial Case No. 65 of 2006 whereunder the matrimonial case has been decreed holding her marriage with respondent to be void as suppressing the fact that she is disabled, marriage was solemnized on 30.04.2006 but soon thereafter when she came to her matrimonial house and alighted from the car, husband could discover that she is handicapped to the extent that she is unable to come out of the car without any support and then filed the suit within few days of the marriage on 08.05.2006. After receipt of notice, appellant-wife appeared in the court below and filed written statement disputing the fact that she is handicapped and

requires support for movement. After filing of the written statement, pairvi on her behalf was stopped and it is said that her father Appellant no. 2 became ill and could not pursue the matter in the court below. The fact that wife is not handicapped could have been established by appearing before the court below which was not done by the wife and as no pairvi was being made on her behalf, the court below proceeded with the matter in the light of the evidence led by the husband and held in the impugned judgment that the wife and her father suppressed an important fact about the disablement of the wife from the husband and performed marriage between the parties which was never consummated, as such, the same is void. Even in the present appeal, appellant no.1 has not asserted that she is not disabled and may be examined by a Medical Board.

2. We see no reason to interfere with the impugned judgment when the appeal itself has been filed after about 1 year 3 months 28 days. The appeal is, accordingly, dismissed.

3. As we have found no merit in the appeal, I.A. No. 1538 of 2015 seeking condonation of delay in filing the present appeal is also dismissed.

(V.N. Sinha, J.)

(Ahsanuddin Amanullah, J.)

Arjun/-

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