

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16441 of 2014

=====

Nisha Kumari wife of Amit Kumar daughter of Sri Madan Mandal resident of Mohalla - Shiv Nagar, P.O. - Heru Diara, P.S. - Kasim Bazar, District - Munger. **Petitioner.**

Versus

Amit Kumar son of Sri Gore Lal Mandal @ Arun Mandal resident of Mohalla - Shiv Nagar, P.O. - Heru Diara, P.S. - Kasim Bazar, District - Munger. **Respondent.**

=====

Appearance :

For the Petitioner/s : Mr. Pravin Chandra Prasad
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

3 19-01-2015

Heard the learned counsel for the petitioner.

Grieved by the order of the learned court below rejecting the petition under Section 24 of the Hindu Marriage Act, the petitioner has filed this petition under Article 227 of the Constitution of India for quashing the said order. The fact is not in dispute that the petitioner filed a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal right claiming herself to be the married wife of the respondent. The respondent has denied his marriage with the petitioner.

The learned court below after scrutiny of the evidence produced on behalf of the petitioner in support of the marriage has come to the finding that the factum of marriage between the petitioner and the respondent is not prima facie established and on this basis the learned court below has turned

down the prayer for payment of interim maintenance as made by the petitioner.

After considering the facts and submissions, this Court under its supervisory jurisdiction is not inclined to enter into appreciation of evidence for interdicting the impugned order as prayed as no perversity in the same could be established.

The writ application is, accordingly, dismissed.

(V. Nath, J)

Nitesh/-

U			
---	--	--	--