

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.157 of 2011

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Dr. Naresh Kumar son of Sri Jhaman Rajak, Plot no. A/98, A.G. Colony,
Ashiana Nagar Town and District Patna at present Resident Doctor,
Department of Medicine, R.I.M.S., Ranchi

.... Appellant/s

Versus

Smt. Shashi Lata, daughter of Sri Kedar Prasad, wife of Dr. Naresh Kumar,
resident of village and P.O. Dhurgaon, P.S. Ekangarsarai, District Nalanda,
at present quarter no. 4M/175, Bhootnath Road, Housing Colony,
Bahadurpur, District Patna 800026

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Prem Kumar Verma &
Mr. Sunil Srivastava

For the Respondent/s : Mr. Y. V. Giri, Sr. Advocate,
Mr. Awadhesh Prasad Sinha,
Mr. Kumar Mrityunjay Narain

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

13 24-06-2015

Heard learned counsel for the appellant as also

for the respondent.

2. It appears the father of the sole respondent Sri Kedar Prasad was examined as D.W. 2 in the court below. From paragraph 6 of his cross examination, it appears that he had accepted the suggestion of his son-in-law, the plaintiff-appellant, to subject his daughter, sole respondent, to medical test in order to find out whether she suffered from Intermittent Psychiatric disorder provided the appellant bears the cost. The aforesaid offer made by D.W. 2 before the court below was not accepted by

the court below and the matter was decided without obtaining report from the Board of Psychiatrist about the mental status of the respondent.

3. It is agreed by the learned counsel for the respondent that the respondent has also no objection to subject herself to Psychiatry examination to find out whether she is suffering from Intermittent Psychiatric disorder and for such purpose she is agreed to visit Bangaluru and subject herself to the test by the Professor and Head of the Department of Psychiatric, NIMHANS, Bangaluru, Karnataka.

4. Let the appellant and respondent herein visit NIMHANS, Bangaluru for subjecting the respondent for Psychiatry examination within a month after appointment for such purpose is fixed up by the appellant and information to that effect is conveyed. The cost of test, travel and stay at Bangaluru shall be borne by the appellant.

5. The respondent has agreed for medical examination at NIMHANS, Bangaluru. The findings and operative portion of the impugned judgment is set aside so that the court below consider the request made by the appellant herein in the Matrimonial case in the light of the medical report received from NIMHANS, Bangaluru. It is made clear that if the

NIMHANS report does not indicate that the wife of the appellant is suffering from any mental disorder, then there will be no occasion for the Principal Judge, Family Court to re-consider the findings and operative portion of the impugned judgment in the light of the medical report received from NIMHANS.

6. Until final disposal of the matter by the trial court, the amount of maintenance payable by the appellant to the respondent shall be regularly paid to her.

7. This Misc. appeal is, thus, disposed of with the direction aforesaid.

(V.N. Sinha, J)

Amin/-

(Nilu Agrawal, J)

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