

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.264 of 2011

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Shalini Devi wife of Sushil Kumar and daughter of Gorakh Prasad, resident of Mohalla – Sonar Patti Ganj No.1, P.O. & P.S. Bettiah Sadar, District West Champaran, At present residing in Mohalla – Bagaha Kothi, P.O. & P.S. Bagaha, District West Champaran

.... Opposite party/Appellant

Versus

Sushil Kumar son of Sri Bageshwari Prasad, Resident of Mohalla – Sonar Patti, P.O. & P.S. – Bettiah Sadar, District – West Champaran

.... Petitioner/Respondent

with

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Miscellaneous Appeal No. 125 of 2010

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Shalini Devi wife of Sushil Kumar and daughter of Gorakh Prasad, resident of Mohalla – Sonar Patti Ganj No.1, P.O. & P.S. Bettiah Sadar, District West Champaran, At present residing in Mohalla – Bagaha Kothi, P.O. & P.S. Bagaha, District West Champaran

.... Opposite party/Appellant

Versus

Sushil Kumar son of Sri Bageshwari Prasad, Resident of Mohalla – Sonar Patti, Ganj No. 1, P.O. & P.S. – Bettiah Sadar, District – West Champaran

.... Petitioner/Respondent

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Appearance :

(In MA No. 264 of 2011)

For the Appellant/s : Mr. Vijay Kumar Singh No.1, Advocate

For the Respondent/s : Mr. Rai Mukesh Sharma, Advocate

(In MA No. 125 of 2010)

For the Appellant/s : Mr. Vijay Kumar Singh No.1, Advocate

For the Respondent/s : Mr. Rai Mukesh Sharma, Advocate

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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: 10-04-2015

In the light of our order dated 20.02.2015, appellant, her husband and their daughter, son along with brother of the appellant are present.



2. It is submitted by the parties present that the impugned order in both the appeals dated 29.06.2009 passed in Misc. No. 07 of 2007 and order dated 07.11.2009 passed in Divorce Case No. 164 of 2007 by Principal Judge, Family Court, Bettiah, West Champaran granting custody of the son to the respondent and dissolving their marriage respectively be set aside and the appellant, respondent and their children shall live together as a family in the house of respondent-husband.

3. In the light of the agreement arrived at by the parties before this Court in presence of their learned counsel, both the aforesaid orders are set aside.

4. Having set aside the aforesaid orders, we grant liberty to the appellant-wife and her son to approach the Secretary, Patna High Court Legal Services Committee in case they face any problem while living with husband/ father in the matrimonial home. The Secretary, Patna High Court Legal Services Committee shall invite the attention of this Court by filing interlocutory application on behalf of the appellant-wife and her son.

5. In view of the agreement aforesaid, brother of the appellant-wife has submitted that the Complaint Case No. 595 (C)/ 2004 appertaining to Trial No. 467 of 2014 pending in the Court of Sri Ghanshyam Prasad, Judicial Magistrate 1st Class, Bagaha be also

quashed, which is, accordingly, quashed.

6. Both the appeals are disposed of in the aforesaid terms.

(V.N. Sinha, J.)

(Ahsanuddin Amanullah, J.)

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