

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Appeal No.624 of 2012**

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Rajeev Kumar @ Pappu son of late Raj Kumar Prasad resident of village Nonad, P.S. Silao, District Nalanda.

.... .... Appellant/s

Versus

Binda Devi wife of Rajeev Kumar resident of village Nonad, P.S. Silao District Nalanda, daughter of Shankar Prasad Gupta resident of In the campus of Jubli Club, D.B.A. Patna, P.S. Pirbahore, District Patna.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : None

For the Respondent/s : Mr.

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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)**

4      30-04-2015

None appears for the appellant. Same was the position even yesterday. We have gone through the impugned order dated 28.05.2012 passed by the Principal Judge, Family Court, Nalanda in Matrimonial Case No. 98 of 2010 wherein request of the appellant for restitution of conjugal right with the sole respondent has been rejected on the ground that the two were never married. In the circumstances, there is no occasion for the court below to direct restitution of conjugal right.

In this connection we have perused the evidence led by the parties which conclusively indicate that there was no marriage between the parties. In the circumstances, we see no merit in this appeal which is dismissed.

Having found no merit in this appeal, there is no reason for this Court to condone the delay in filing this appeal. I.A. No. 1381 of 2013 is, thus, also dismissed.

**(V.N. Sinha, J)**

**(Nilu Agrawal, J)**

Amin/-

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