

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14505 of 2015

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Shambhu Nath Mishra Son of Sunil Kumar Mishra Resident of village-
Satalakha, P.s Rahika , District Madhubani. ...Petitioner.

Versus

Sweta Mishra D/o Mrs. Pushpa Mishra Resident of Mohalla- Rajeev Nagar,
Road, No. 24, Adarsh N Vihar Colony ,Kehsri Nagar, Patna-24

.... Respondent.

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT

4 09-11-2015 Heard Mr. W.Rahman, the learned counsel

appearing on behalf of the petitioner as well as Mr.Gopi Jha, the

learned counsel appearing on behalf of the sole respondent.

Calling in question, the impugned order by which

the learned court below has declined the prayer of the petitioner

to allow the petitions filed by him and has directed for

consideration of the same at the time of passing of the judgment,

the petitioner has filed this application under Article 227 of the

Constitution of India.

The impugned order has been passed in a

matrimonial case filed by the sole respondent praying for a

decree of divorce against the petitioner. It is not in dispute that by

order dated 24.11.2011 the defence of the petitioner has been

struck off due to non-payment of the amount of interim

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maintenance as directed by the court. The matter again came before this Court in C.W.J.C.No.21180/2011 and C.W.J.C.N.14268/2014 where the petitioner prays for a direction to the court below for paternity test of child. The said writ application was also dismissed by order dated 19.03.2015 (Annexure-H). Thereafter, the petitioner filed the petitions for recall of the P.W.1, amendment in the written statement and stay of the argument in the case. The learned court below has by the impugned order directed that the appropriate order shall be passed on those petitions at the time of passing the judgment.

After considering the submissions on behalf of the petitioner and the sole respondent, this Court does not find any illegality or material irregularity in the impugned order. From the materials on record and in view of the earlier orders by this Court, it does not appear that the conduct of the petitioner has been aboveboard entitling him an opportunity to indict the impugned order. The writ application is, accordingly, dismissed. The petitioner may raise his grievances in accordance with the provisions of Section 105(1) C.P.C. in appeal, if the judgment ultimately is pronounced against the petitioner.

(V. Nath, J)

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