

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23145 of 2012

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1. BINOD KUMAR PANDEY SON OF LATE UDAY BHAN PANDEY RESIDENT OF VILLAGE- KATIYARI, POLICE STATION- BARHAJ, DISTRICT- DEORIA (UTTAR PRADESH). AT PRESENT RESIDING IN MOHALLA- BINODPUR, POLICE STATION AND DISTRICT- KATIHAR

2. SMT. USHA PANDEY WIFE OF BINOD KUMAR PANDEY RESIDENT OF VILLAGE- KATIYARI, POLICE STATION- BARHAJ, DISTRICT- DEORIA (UTTAR PRADESH). AT PRESENT RESIDING IN MOHALLA- BINODPUR, POLICE STATION AND DISTRICT- KATIHAR

.... PETITIONER/S

VERSUS

1. THE STATE OF BIHAR THROUGH THE COLLECTOR, KATIHAR

2. NEHA PANDEY DAUGHTER OF BINOD KUMAR PANDEY PERMANENT RESIDENT OF VILLAGE- KATIYARI, POLICE STATION- BARHAJ, DISTRICT- DEORIA (UTTAR PRADESH). PRESENTLY RESIDING IN THE HOUSE AND UNDER CARE AND GUIDANCE OF VARSHA VEENA ALIAS PUJA, MOHALLA- BINODPUR, POLICE STATION AND DISTRICT- KATIHAR

3. VARSHA VEENA ALIAS PUJA DAUGHTER OF DR. DHARMADEO TIWARY RESIDENT OF MOHALLA- BINODPUR, POLICE STATION AND DISTRICT- KATIHAR

4. DR. DHARMADEO TIWARY SON OF LATE RAM RAKSHA TIWARY RESIDENT OF MOHALLA- BINODPUR, POLICE STATION AND DISTRICT- KATIHAR, PERMANENT RESIDENT OF VILLAGE- CHAKIA, POST-PUR, POLICE STATION- PAKRA, DISTRICT- BALIA (UTTAR PRADESH)

5. SHAMBAVI PANDEY ALIAS BULBUL, MINOR DAUGHTER OF PETITIONER NOS. 1 AND 2 PRESENTLY RESIDING WITH HER ELDER SISTER IN THE HOUSE AND UNDER CARE AND GUIDANCE OF VARSHA VINA ALIAS PUJA, MOHALLA- BINODPUR, POLICE STATION AND DISTRICT- KATIHAR

6. PRINCIPAL JUDGE, FAMILY COURT, KATIHAR, DISTRICT- KATIHAR

.... RESPONDENT/S

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mallick—Advocate
Mr. Murlidhar-Advocate

For the Respondent/s : Mr. Sunil Kumar Mandal-SC-24
Mr. Bipin Kumar-AC to SC-24

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 11-02-2016 Heard learned counsel for the petitioners as well as

learned Standing Counsel-24, representing the State.

Seen the order dated 28.09.2012, the order impugned

against which petitioners have got some sort of reservation and on

account thereof, the same has been challenged under present

petition. Admittedly, the aforesaid order was passed keeping in view the status of Shambavi Pandey, being a minor, who by efflux of time, has become major on account of having her date of birth as 21.10.1997, which is itself apparent from the order impugned. As such, the purpose of instant petition is found duly frustrated.

Being major, the question of custody be it a permanent or an intermediary has gone out of controversy and that being so, the learned lower court is directed to pass appropriate order in accordance with law after intervening and acknowledging the status of Shambavi Pandey for whom the parties are litigating to have proper custody.

With the aforesaid observation, instant petition is disposed of.

(Aditya Kumar Trivedi, J)

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