

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.368 of 2014

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Archala Barnwal @ Archala Devi, wife of Sri Atul Barnwal and daughter of Sri Yamuna Prasasd Barnwal, presently residing at village – Garhi, P.S. – Khaira, District – Jamui.

.... Appellant

Versus

Atul Barnwal, son of Sri Bhola Nath Barnwal, resident of village – Pirpainti, P.S. – Pirpainti, District – Bhagalpur.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Ashutosh Ranjan Pandey

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

8. 19-07-2016

This appeal has been filed by estranged wife against whom order under Section 9 of the Hindu Marriage Act for restitution of conjugal rights has been passed on an application by the husband.

From paragraph no. 3 of the judgment, it is clear that the appellant had due notice of these proceedings, and in fact, she had appeared and filed a written statement, but thereafter, she took no interest in the proceedings. Accordingly, the *ex parte* judgment was delivered on 15.06.2013, and this appeal was filed on 20.06.2014 i.e. more than a year later. There is no explanation as to why she took no steps earlier in the

matter except that she came to know of the judgment after one year. She was clearly aware of the proceedings, but if she kept herself away from the proceedings, it was her fault.

In our view, there is no sufficient cause for condonation of delay. Accordingly, Interlocutory Application No. 9725/2015 for condonation of delay is rejected. The appeal is, consequently, dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Rajeev/-

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