

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.200 of 2015

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Poonam Devi. wife of Sri Umashankar Prasad Patwa, D/o Satrugan Prasad Patwa, presently residing at Village - Mahinam, Patti, Bahera Bazar, P.S. - Bahera, District- Darbhanga.

.... Appellant

Versus

Sri Umashankar Prasad Patwa, Son of Mohan Prasad Patwa, resident of Village - Raj Nagar, P.S. - Raj Nagar, District - Madhubani.

.... Respondent

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

2 29-01-2016

I.A. No. 802 of 2016.

The Interlocutory Application has been filed for condonation of delay of eight years six months and eight days in filing the appeal.

Learned counsel for the appellant has sought to argue that the appellant was not attending the Court and was not aware that the Matrimonial Case has been decided and she learnt about it for the first time when the opposite party and the respondent had produced the judgment in the trial of the case filed by the appellant under Section 498(A) against him arising out of Bahera P.S. Case No. 228 of 1997, although it is admitted that the appellant had appeared in the matter and filed the written

statement and also appeared from time to time before the Family Court.

From perusal of the judgment also, it is evident that the case has been decided on contest and not ex-parte.

In the aforesaid view of the matter, we see no cogent reason being put forth on behalf of the appellant to condone the delay of more than eight and half years in filing the appeal against the order in the matrimonial dispute which has been allowed on the basis of allegations of cruelty and desertion by the appellant. The limitation petition is, accordingly, dismissed.

I.A.No.802 of 2016 is thus, disposed of.

In view of the dismissal of the limitation petition, the appeal consequentially also stands dismissed.

(Ramesh Kumar Datta, J)

(Sudhir Singh, J)

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