

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3677 of 2015

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Nihal Rabi

.... Petitioner/s

Versus

Mohit Priya & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sangeeta Sharma

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 14-03-2016 Heard the learned counsel, Smt. Sangeeta Sharma, for the petitioner as well as learned counsel, Mr. Bindhyachal Singh, for the respondents.

It appears that an application under Section 9 of the Hindu Marriage Act was filed by the present petitioner against the respondents. The respondents submitted before the Court below that the petitioner is the cousin brother of the respondent and there is no question of marriage between them arises. It was also submitted that Mohit Priya has been married to another person in the year 2014. Thereafter, an application was filed by the petitioner for a direction to the respondent to disclose the name and address of the person with whom, Mohit Priya, had been married. The Court below by the impugned order rejected the application filed by the petitioner on the ground that the Court

cannot direct the party to supply the necessary information as in the present case the marriage between both the party is in dispute.

It is admitted that the marriage itself is in dispute. The learned counsel for the respondent admitted the fact that the petitioner and the respondent are cousin. Since in the present case, the petitioner is in the position of plaintiff, therefore, it is for him to prove the marriage with the respondent according to Hindu Law. Therefore, for proving his case, he cannot take help of the respondent, i.e., defendant. In such circumstances, in my opinion, no case for supervisory jurisdiction is made out.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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