

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.86 of 2016

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Smt. Purnima Devi, wife of Santosh Kumar, daughter of Hira Lal Prasad,
resident of village & Post Office – Mohammadpur, P.S. – Baraharia,
District – Siwan.

.... Appellant

Versus

Santosh Kumar, son of Late Raghunath Prasad Gupta, resident of village
– Naya Bazar, Hathwa, P.O. & P.S. – Hathwa, District – Gopalganj.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Satya Narayan Mishra, Advocate

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)

2. 19-07-2016

The Miscellaneous Appeal has been filed
against the *ex parte* judgment and decree of judicial
separation. The appellant is the wife.

Interlocutory Application No. 1140/2016 has
been filed for condonation of delay of about seven months
for filing the appeal.

From the judgment and decree under appeal
itself, it is apparent that the notices were duly issued to
this appellant, and upon refusal, newspaper publication
had to be made. In spite of that, the appellant did not turn
up in the proceedings.

Learned counsel for the appellant submits

that, in fact, the appellant had been thrown out of her house because she lodged a case under Section 498A of the Indian Penal Code against her husband that clearly shows that she was literate enough to assert her rights. No material has been brought on record to disapprove the finding of the Court that notices had been duly published in the newspaper upon refusal to accept the notice.

In that view of the matter, we are not inclined to condone the delay. Interlocutory Application No. 1140/2016 is, thus, rejected.

Accordingly, the appeal, thus, stands dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Rajeev/-

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