

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12918 of 2015

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Shabnam Ara @ Sabnam Ara & Anr

.... Petitioner/s

Versus

Md. Tahir

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 30-03-2016 1. Heard the learned counsel, Mr. Abdul Mannan, for the
petitioner.

2. From perusal of the order dated 15.07.2015 passed by
the learned Principle Judge, Family Court, Katihar passed in
Matrimonial Case No.18 of 2006, it appears that the Court below
has formally appointed the petitioner No.2 as the guardian of
petitioner No.1 on the ground that the divorce case has been filed
by the husband respondent on the ground of lunacy of the
petitioner No.1. Further, it appears that this writ application itself
has been filed by the petitioner No.1 not as lunatic rather she has
executed herself the Vakalatnama. Therefore, the question as to
whether she is lunatic or not, i.e., the matter which can be decided
by the Court below at the time of Judgment but since the
allegation has been made by the husband, the Court below has

formally appointed petitioner No.2 as guardian to avoid any technical objection.

3. In such view of the matter, it cannot be said that the petitioner is prejudiced in any way nor it occasioned failure of justice. Thus no case for interference in supervisory jurisdiction is made out.

4. Accordingly, this writ application is dismissed. However, the Court below will decide the question about the lunacy of the petitioner No.1 in the Judgment without being prejudiced by the order appointing guardian.

(Mungeshwar Sahoo, J)

Sanjeev/-

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