

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No 943 of 2010

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Manjesh Kumar Singh, son of Sri Kaushal Kumar Singh, resident of Village – Kasmara, PS – Dhamdaha, District – Purnea, at present resident of Mohalla – Naya Tola, Banka, PS +Dist - Banka

.... Appellant/s

Versus

Sharda Devi, wife of Manjesh Kumar Singh and daughter of Anil Kumar Singh, resident of Mohalla – Railway Emergency Colony, Katihar, Qrs No 279/B, PO – Sahayak Nagar, Police Station – Mrchaibari, Katihar

.... Respondent/s

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For the Appellant/s : Mr Amresh Kr Singh, Advocate

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 04-08-2016

Delay in filing the appeal is condoned.

2 In the present appeal, notice in regard to admission and condonation of delay in filing the appeal was issued to the sole contesting respondent. Notices have been validly served. There is no appearance on behalf of respondents.

3 Shri Amaresh Kumar Singh, learned counsel for the appellant submits that this appeal was filed against the judgment and order dated 31.08.2010 passed by the Additional District Judge I, Banka in Miscellaneous Case No 1 of 2009. By the said order, in those proceedings, the learned ADJ I recalled the ex parte order and decree of divorce passed in Matrimonial Case No 7 of 2007 and

ordered its rehearing de novo.

4 Learned counsel for the appellant submits that during pendency of this appeal before this Court, the matrimonial case being Matrimonial Case No 7 of 2007 was again taken up on merit and heard in presence of the estranged wife and by judgment and order dated 30.05.2016, decree of divorce has once again been passed. He, therefore, submits that this appeal before this Court has become infructuous.

5 Having considered the matter, in my view, learned counsel for the appellant is correct. As final orders have been passed in the matrimonial case after hearing the parties, this appeal is only of academic interest and, in our view, infructuous as the contesting respondent has got the ultimate relief she had sought.

6 This appeal is, thus, disposed of as infructuous.

(Navaniti Prasad Singh, J)

M.E.H./-

(Nilu Agrawal, J)

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