

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.542 of 2013

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Smt. Seema Kumari Wife Of Nitesh Kumar Upadhyay, D/O Akhilesh Pandey Resident Of Village - Bara Jagannath, P.O. Bhikhanpura Kothi, P.S. Ahiyapur, District - Muzaffarpur, At Present - Residing At Mohalla - Amrud Bagan, Jail Chawk, Chandwara, P.O. Ramna, P.S. Mithanpura, District - Muzaffarpur

... .. Appellant/s

Versus

Nitesh Kumar Upadhyay Son Of Sri Rajeshwar Upadhyaya Resident Of Village - Bara Jagannath, P.O. Bhikhanpura Kothi, P.S. Ahiyapur, District - Muzaffarpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Nachiketa Jha

For the Respondent/s : Mr. Brij Kishore Mishra

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE DR. JUSTICE RAVI RANJAN)

Date : 01-09-2017

Heard parties.

It appears from the records of this case that on 21.7.2014 the appellant as well as the respondent were present along with their two children. Both of them had insisted before this Court that they do not want to live with their father.

Thereafter, the matter was dismissed for want of prosecution on 30.1.2015 which was again restored.

Today, learned counsel appearing for both sides have agreed that one of the children, namely, Nicky Kumari whose date of birth is 28.12.1996 has already attained majority and,



therefore, there would be no question of custody and appointment of any guardian for her as she would be at liberty to live at her own will and volition. The other child, namely, Survi Kumari , whose date of birth is 20.10.1999, is also about to attain majority in one and a half month, therefore, it is contended by learned counsel for the appellant and the respondent that this appeal has lost its vigour and purpose.

Accordingly, this appeal stands disposed of as nothing remains to be decided.

(Dr. Ravi Ranjan, J)

(S. Kumar, J)

Spd/-

AFR/NAFR	NAFR
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