

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1313 of 2017

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1. Rashmi Singh daughter of Sri Vijay Kumar wife of Sri Saket Kumar
Resident of Mohalla - West Lohanipur, Parmeshwar Singh Lane, P.S. -
Kadam Kuan, Dist Patna.

.... Appellant/s

Versus

1. Saket Kumar Singh S/o Sri Devendra Prasad Resident of Mohalla in
house of Surendra Kr. Gupta, Jagsar 25, Gonar Lal Lane, P.S. - Adampur,
Dist - Bhagalpur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Abhay Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 23-08-2017 Though the matter has been listed under the heading
“Orders”, it is being disposed of on merits, considering the nature
of relief sought for, in the present application, ignoring the defect
as pointed out by the Stamp Reporter.

The petitioner claims to be the wife of Opposite party
No.2. It seems that the sole respondent has filed Matrimonial
Case No. 253 of 2013 under Section 9 of the Hindu Marriage Act
for restitution of conjugal rights before the Court of learned
Principal Judge, Family Court, Bhagalpur. He appears to have
filed a petition before the Family Court for converting the said
petition under Section 9 of the Hindu Marriage Act into a divorce
petition. The petitioner has filed the present application for



dropping the Matrimonial Case No. 253 of 2013. In my view, the relief sought in the present application is misconceived.

The said Matrimonial Case No. 253 of 2013 cannot be directed to be dropped at the instance of the petitioner on the basis of what has been averred in the application.

This application is, accordingly, disposed of.

Learned counsel for the petitioner has submitted that the Court below may be directed to expedite disposal of the said Matrimonial Case No. 253 of 2013, since the husband of the petitioner is unnecessary lingering the matter.

The Court expects that the Court below shall not grant unnecessary adjournments and take steps for early disposal of the matrimonial case.

(Chakradhari Sharan Singh, J)

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