

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.686 of 2017

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Samir Kumar, Son of Walter Lourinse, Resident of Kamal Nath Nagar,
Ward No. 22, Bettiah, P.S. – Bettiah Town, District – West Champaran.
.... Appellant.

Versus

Kriti Kumari, Wife of Samir Kumar and daughter of Late Shiv Nandan
Jamadar, Resident of Patnayak Tola, Ward No. 6, P.S. – Saraikela, District
– Kharaswa (Jharkhand)

.... Respondent.

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Appearance :

For the Appellant/s : Mr. Rajesh Kumar, Advocate
Mr. Mukul Sinha, Advocate

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

and

**HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY**

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)

5 23-08-2018 Through the present Misc. Appeal the

appellant has challenged the order dated 10.07.2017 passed by

learned Principal Judge, Family Court, West Champaran at

Bettiah in Divorce Case No. 378 of 2015, whereby the appellant's

suit for dissolution of marriage under Special Marriage Act, 1954

has been dismissed.

In view of the fact that the main ground for

dissolution of the marriage was desertion but the suit could not

have been preferred in view of the embargo under Section

27(1)(b) of the Special Marriage Act, 1954 which prohibits the

filing of suit for dissolution of marriage on the ground of desertion



unless desertion is for a continuous period of not less than two years immediately preceding the presentation of the petition.

Learned counsel for the appellant seeks permission to withdraw the present Misc. Appeal with liberty to take recourse under the provisions of the Act.

Accordingly, the present Misc. Appeal is permitted to be withdrawn with the aforesaid liberty.

(Dinesh Kumar Singh, J)

(Anil Kumar Upadhyay, J)

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