

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.645 of 2017

Chitranjan Rai, S/o Bibhuti Narayan Rai, Resident of Village- Kamarpur, P.S.- Buxar (M), District- Buxar, at present at Gajadharganj, Collectorate Road, Buxar, P.S.- Buxar (Nagar), District- Buxar.

... .. Appellant/s

Versus

Sarita Rai, D/o Dinesh Tiwari, resident of Mohalla- South of Dhadka Sukantu Palli, Asansol, P.S.- Asansol (North) District- Bardhwan (W.B.)

... .. Respondent/s

with

Miscellaneous Appeal No. 484 of 2017

Chitranjan Rai @ Chittranjan Ray S/o Bibhuti Narayan Rai, Resident of Village-Kamarpur P.S. Buxar (M), District-Buxar, at Present at Gajadharganj, Collectorate Road, Buxar, P.S.-Buxar (Nagar), District-Buxar.

... .. Appellant/s

Versus

Sarita Rai, D/o Dinesh Tiwari Resident of Mohalla-South of Dhadhka Sukantu Palli, Asansol, P.S. Asansol (North) District-Bardhwan (W.B.)

... .. Respondent/s

Appearance :

(In Miscellaneous Appeal No. 645 of 2017)

For the Appellant/s : Mr. Piyush Anand
Mr. Sanjeet Kumar

For the Respondent/s : Mr. Srikant Pandey

(In Miscellaneous Appeal No. 484 of 2017)

For the Appellant/s : Mr. Piyush Anand
Mr. Sanjeet Kumar

For the Respondent/s : Mr. Srikant Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)

6 02-08-2018

M.A. No. 645 of 2017

I.A. No. 9219 of 2017 has been preferred on
18.12.2017 for condonation of delay of 8 months 29 days in



filing the present appeal.

The appellant has preferred the present appeal against the judgment and order dated 16.9.2016 passed by the learned Principal Judge, Family Court, Buxar in Divorce Case No. 72 of 2012 whereby the matrimonial suit has been allowed and the marriage between the appellant and the respondent has been dissolved.

It appears that the present appeal has been preferred on 19.7.2017 with delay of 8 months 29 days. However, it is submitted that before filing of the appeal, the respondent re-married on 18.2.2017.

Hence, in view of the judgment of the Division Bench of this Court in the case of Amrita Kumar alias Amrita Devi Vs. Jyotish Kumar Rajak 2016(4) PLJR 790, learned counsel for the appellant is not pressing this appeal.

This appeal as well as I.A. No. 9219 of 2017 are, accordingly, dismissed as not pressed.

M.A. No. 484 of 2017

The present appeal has been preferred by the appellant challenging the judgment dated 16.9.2018 passed in Matrimonial Case No. 18 of 2011 whereby the appellant's suit for restitution of conjugal rights under Section 9 of Hindu



Marriage Act has been dismissed.

The above appeal was also filed with a delay of 6 months 28 days.

In view of the fact that Miscellaneous Appeal filed against the judgment and decree passed in Matrimonial Divorce Suit has been dismissed as not pressed since the respondent performed marriage before filing the said appeal as the same was filed with delay of eight months twenty nine days, learned counsel for the appellant prays to withdraw this appeal.

This appeal is, accordingly, dismissed as withdrawn.

(Dinesh Kumar Singh, J)

(Anil Kumar Upadhyay, J)

anil/-

U			
---	--	--	--

