

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1184 of 2017

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Pallavi Kumari, D/o Shri Bipin Kumar Mishra, Resident of Village-Madhavpur P.S.-Parwatta, District-Khagaria At Present residing Ganga Vihar Colony near Rani Talab P.O.-Bahadurpur, P.S. Industrial Area (Zero Mile), District-Bhagalpur

.... Petitioner/s

Versus

Chitranjan Kumar, S/o Shri Raj Kumar Modi, Resident of Village-Basamatiya, P.O. Sahur, P.S. Chanan District-Lakhisarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Soni Shrivastava

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

6 29-08-2018 It appears that the opposite party being husband of the petitioner had filed an application under Section 9 of the Hindu Marriage Act seeking restoration of his conjugal rights. This petitioner has preferred this present application with a prayer to transfer the matrimonial case lodged by her husband at Lakhisarai to the court of Bhagalpur.

This Court while issuing notice on 31.08.2017 to the



opposite party stayed the further proceeding in the matrimonial case pending in the court of learned Principal Judge, Family Court, Lakhisarai. Still the opposite party has not appeared in this case, notice was served upon him through his father and a petition of jointness has also been filed on behalf of the petitioner.

Today, learned counsel representing the petitioner submits that she has learnt from Pairvikar of this case that perhaps the petitioner and the opposite party have settled down and the petitioner is living with her husband, but while saying so the learned advocate is not sure about the actual position because she is not in touch with the petitioner.

In the given facts and circumstances of the case whereunder this Court finds that on the one hand learned counsel for the petitioner has learnt about the settlement between the parties and that the opposite party has not appeared before this Court despite there being a stay of the matrimonial case, there is no point keeping this application pending. This application is being disposed off as having become infructuous.

However, it is made clear that in case the opposite party proceeds with the matrimonial case, this petitioner will have a liberty to file an affidavit in the present case itself by way of an application to recall the present order.



This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Arvind/-

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