

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20015 of 2014

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Vijay Kumar Pandit, Son of Sri Nand Kishore Pandit, resident of village- Linepar Mirjapur, P.S. & District- Nawada.

.... Petitioner/s

Versus

1. Munni Kumari @ Priyanshu Kumari, daughter of Guru Prasad Sao
2. Guru Prasad Sao Son of not known
3. Sharda Devi, wife of Guru Prasad Sao

All are resident of Village- Rajauli, P.O. + P.S.- Rajauli, District- Nawada. At Present residing at Guru Prasad Sao (Kirana shop) Hapta Bazar, Chetanpara, Bireshwar H/o- Pintu Dhobi, West Bengal, Kolkata 711201.

.... Respondent/s

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Appearance :

For the Petitioner/s : M/s Amrendra Narayan Rai and Sanjay Kumar, Advs.

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 11-05-2018

The petitioner is husband of respondent no. 1. He has filed Matrimonial Case No. 51 of 2013 against her for restitution of conjugal life under section 9 of Hindu Marriage Act before the Principal Judge, Family Court, Nawada. The petitioner filed a petition before the court below on 02.04.2014 praying therein to direct the respondent nos. 2 and 3 who are parents of respondent no. 1 to produce the respondent no. 1 in the matrimonial proceeding. The prayer of the petitioner was rejected and hence the present writ application has been filed.

2. Heard learned counsel for the petitioner.

3. In the case in hand, the respondents were noticed to



file written statement. It is for the respondents as to whether they contest the case or not. If the respondents deliberately or for any reason did not appear to contest the application, the court below is at liberty to proceed with the trial. The petitioner by filing petition, has prayed for production of his wife by her parents which has been rejected by the court below observing that the said application is not maintainable. If the respondents do not appear before the court below, the suit will proceed *ex parte* and in this way the petitioner is not prejudiced.

4. In view of above facts, I do not find any merit in this application and is accordingly dismissed.

(Sanjay Kumar, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
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