

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Revision No.334 of 2016

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Dr. Mukesh Kumar, S/o Late Uday Kumar Singh, resident of
village- Shailbagh, Aliganj, Police Station- Mojahidpur,
District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dr. Lucy Kumari, W/o Dr. Mukesh Kumar, D/o Raghu
Nandan Prasad Singh, resident of village- Konipur, P.S.-
Suryagarha, District- Lakhisarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Adv.

For the State : Mr. C. Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 26-03-2018 The learned Principal Judge, Family Court,
Lakhisarai *vide* his order dated 03.02.2016, passed in
Matrimonial Case No. 51 of 2012, has permitted the
withdrawal of the suit filed by the petitioner for divorce on
the condition of his making payment of Rs. 73,500/- to the
opposite party No. 2 within a period of one month.

The petitioner had filed the divorce petition in
which the opposite party No. 2 had entered appearance. The
opposite party No. 2 did not oppose the prayer of withdrawal



of divorce petition, but only laid a condition that it be subject to payment of maintenance amount and litigation cost which had already been awarded *vide* order dated 13.05.2013.

The learned Family Court calculated the amount after deducting Rs. 12,000/- which had already been paid to the opposite party No. 2. The figure of the maintenance amount, as directed by the court below in past, came to Rs. 73,500/- only. As such a condition precedent was made for withdrawal of the divorce suit filed by the petitioner *viz.* his making payment of Rs. 73,500/- to the opposite party No. 2 within a period of one month.

There is no reason for this Court to interfere with the aforesaid order.

This petition is, thus, dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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