

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10909 of 2019

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Manoj Kumar, S/o Late Kranti Bihari Verma, resident of Village- Madhepur,
Block and P.S. and P.O.- Madhepur, Distt.- Madhubani

... .. Petitioner/s

Versus

1. The Union of India through Secretary, Ministry of Health & Family Welfare,
Govt. of India, New Delhi
2. Dr. B. N. Gangadhar Director, National Institute of Mental Health and Neuro
Science(NIMHANS), Hosur Road, Bengaluru-560029
3. Smt. Neelam Kumari @ Mrs. Neelam Verma W/o Manoj Kumar, resident of
Village & P.O.- Mahinam, P.S.- Bahera, Distt.- Darbhanga

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Mukund, Advocate
For the Respondent/s : Mrs. Kanak Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 14-05-2019 Heard learned counsel for the petitioner and Union of
India.

The grievance of the petitioner in the present writ application is that despite examination of respondent no.3 by the National Institute of Mental Health & Neuro Science (NIMHANS), the medical report has not been sent to the Principal Judge, Family Court, Darbhanga.

Learned counsel for the petitioner submits that the direction for medical examination was issued by the Principal Judge, Family Court, Darbhanga in Matrimonial Case No. 41 of 2014 and the same is pending before the Principal Judge, Family Court, Darbhanga. He submits that the NIMHANS is not



sending the report stating that the Court has not asked the Institute in question to send the report as the Principal Judge, Family Court, Darbhanga has not issued any direction to submit the report. He submits that faced with the aforesaid, the petitioner has approached this Court.

In view of the above, the writ application is disposed of with liberty to the petitioner to approach the Principal Judge, Family Court, Darbhanga along with a copy of this order in pending Matrimonial Case No. 41 of 2014.

In case, the petitioner files such application before the Principal Judge, Family Court, Darbhanga in Matrimonial Case No. 41 of 2014, the Principal Judge, Family Court, Darbhanga has to pass appropriate order on the application of the petitioner for summoning the report from NIMHANS, as Medical examination has been done at the instance of Family Court and such examination was not an empty formality or public relation exercise. If the Principal Judge, Family Court, Darbhanga feels the necessity of Medical report by NIMHAS then in that situation, the Court is required to obtain such report for passing appropriate order in the matter.

Necessary decision on the application of the petitioner shall be passed by the Principal Judge, Family Court,



Darbhangha within a period of 60 days from the date of filing of such application.

With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

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