

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.655 of 2017

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Achal Kumar Upadhayay @ Achal Upadhayay son of Vindhyachal Upadhayay @ Bindhyachal Upadhayay, resident of Village- Kathja, P.S.- Rajpur, District- Buxar, presently residing at Mohalla- Mahiya Nagar, Dhobi Ghat, Ward No. 3, P.S. - Buxar, District- Buxar.

... .. Appellant/s

Versus

1. Shree Bhagwan Choubey Son of Late Ram Subhag Choubey.
2. Smt. Krishna Choubey, Wife of Shree Bhagwan Choubey. Both permanent resident of Village- Rasen, P.s.- Rajpur, District- Buxar, Presently Residing at Plot No. 439, Samne Ghat, Krishna Nagar Colony, P.S.Lauka, District- Varanasi- 221005 U.P..

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Jitendra Kumar Pandey and
Mr. Santosh Kumar

For the Respondent/s : Mr. Rajeev Ranjan Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)

6 08-07-2019 The present Miscellaneous Appeal has been preferred against the order dated 22.04.2017 passed by the Principal Judge, Family Court, Buxar in Guardianship Case



No. 4 of 2015, whereby the learned Court below directed the appellant and respondent to lead evidence for deciding the issue of territorial jurisdiction.

The Guardianship Case got initiated on filing of the petition by Anchal Kumar Upadhayay, the appellant, being the father, the natural guardian, of the minor child, Animesh Upadhayay.

It is submitted by the learned counsel for the appellant that two petitions were filed ; one for the interim custody and one for the permanent custody of the minor child in the year 2015, but the same have not been disposed of as yet on one pretext or the other

Learned counsel for the appellant seeks permission to withdraw this appeal and further prays for a direction to the learned court below to dispose of the Guardianship case expeditiously within a period of two months.

Learned counsel for the respondent has no objection to such direction for disposal of the guardianship case.

The appeal is permitted to be withdrawn.

It is expected from the Principal Judge, Family



Court, Buxar to conclude the proceedings of Guardianship Case including the question of territorial jurisdiction within a period of two months of the receipt or production of the order without granting undue adjournment to either side.

It is also expected from the appellant and respondent to appear before learned court below regularly.

The appeal, accordingly, stands disposed of.

(Dinesh Kumar Singh, J)

(Arvind Srivastava, J)

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