

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Appeal No.74 of 2015**

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Smt. Asha Lata @ Asha Lata Kumar, W/o Er. Ratan Kumar, D/o Late Baidyanath Bhagat, Resident of 5A/71 Bhagat Sadan, Sahjanand Path, Boring Road, Post Office-Patliputra, Police Station-Shrikrishnapuri, District Patna.

... .. Appellant/s

Versus

Er. Ratan Kumar, S/o Shri Sadanand Prasad, Permanent Resident of Mohalla Saraiya, Post Office-Saraiya, Police Station-Chautham, District-Khagaria, Presently at Street No. 01, Hindustan Park, Asansol-4, Post Office-Asansol, Police Station- Hirapur, District-Bardwan (W.B.).

... .. Respondent/s

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**Appearance :**

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|--------------------|---|-----------------------------------------------------------------------|
| For the Appellant  | : | Mr.S.M. Ashraf, Advocate<br>Mr. Sanjay Kumar, Advocate                |
| For the Respondent | : | Mr. Jitendra Kumar Roy-1, Advocate<br>Mrs.Usha Kumari Singh, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**and**  
**HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)**

6      08-11-2019                      The present miscellaneous appeal has been preferred against the *ex parte* judgment and decree dated 12.02.2007 passed in Matrimonial (Divorce) Suit No.16 of 2004 passed by the Principal Judge, Family Court, Khagaria, whereby the marriage of the appellant with the respondent has been dissolved by an *ex parte* decree of divorce on the ground of cruelty and desertion.

Learned counsel for the appellant seeks permission to withdraw the appeal to prefer an appropriate application under Order IX Rule 13 of the C.P.C. before the court concerned



within a period of four weeks from the date of receipt/production of a copy of this order.

The appeal is permitted to be withdrawn with liberty aforementioned.

However, it is expected that the concerned court to consider the question of condoning the delay in filing application under Order IX Rule 13 C.P.C.in view of the fact that the present miscellaneous appeal was pending before this Court.

Accordingly, the Miscellaneous Appeal is disposed of.

**(Dinesh Kumar Singh, J)**

**(Anjana Mishra, J)**

PNM

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