

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Miscellaneous Appeal No.17 of 2018**

---

Archana @ Archana Sharma Wife of Shri Ranjeet Kumar Resident of 102  
P.C. Colony, Kankarbagh, P.S. Kankarbagh, District Patna.

... .. Appellant/s

Versus

Ranjeet Kumar Son of Shri Bharat Prasad Sharma Resident of 102 P.C.  
Colony, Kankarbagh, P.S. Kankarbagh, District Patna.

... .. Respondent/s

---

**Appearance :**

For the Appellant/s : Mr.Rekha Prasad

For the Respondent/s : Mr.Viveka Nandsingh

---

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**and**  
**HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)**

**Date : 25-09-2020**

Heard learned counsel for the appellant.

The present Miscellaneous Appeal is directed against the  
order dated 25.11.2017 passed by the learned Principal  
Judge, Family Court, Patna in Misc. Case No. 9 of 2010  
whereby the appellant's petition under Order IX Rule 13 read  
with Section 151 of the Code of Civil Procedure for setting  
aside the ex-parte judgment and decree dated 25.3.2010 and



29.3.2010, respectively, passed by the learned Principal Judge, Family Court, Patna in Matrimonial Case No. 575 of 2007 has been dismissed. The Matrimonial Suit No. 575 of 2007 was preferred by the respondent Ranjeet Kumar for dissolution of marriage on the ground of cruelty and the same has been decreed and the marriage between the appellant and the respondent has been dissolved with a liberty to the appellant to file appropriate application under Section 25 of the Hindu Marriage Act, 1955 for permanent alimony.

Notices were issued to the sole respondent vide order dated 18.6.2019 and again vide order dated 10.7.2019. The office note dated 19.8.2019 reflects that the notices have been validly served but inspite of valid service of notice the respondent chose not to appear.

None is appearing on behalf of the respondent today. However, learned counsel for the appellant seeks permission to withdraw the Miscellaneous Appeal with a liberty to challenge the ex-parte judgment and decree dated 25.3.2010 and 29.3.2010, respectively, passed in Matrimonial Case No. 575 of 2007 by the learned Principal Judge, Family Court, Patna in an appropriate proceeding.

In view of the prayer made above, the present Misc.



Appeal is disposed of as withdrawn with the liberty above mentioned.

**(Dinesh Kumar Singh, J)**

**( Arvind Srivastava, J)**

anil/-

|                   |  |
|-------------------|--|
| AFR/NAFR          |  |
| CAV DATE          |  |
| Uploading Date    |  |
| Transmission Date |  |

