

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.262 of 2017

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Babloo Sah @ Balkrishan Sah S/o Late Patel Sah, Resident of Village-
Maranga Musahri Tola, P.S.- K. Hat in the District of Purnea.

... .. Appellant/s

Versus

1. Juli Devi @ Shardha Saha W/o Babloo Sah @ Balkrishna Sah, At present
R/o Village and P.S.- Jokihat, District- Araria.
2. Suresh Prasad Sah, Son of Late Govind Chand Mahajan,
3. Krishna Devi, Wife of Suresh Prasad Sah, All are R/o Village- Jokihat, P.S.-
Jokihat, District- Araria.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Raj Kumar
For the Respondent/s : Mr.

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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 08-08-2019 The present Miscellaneous Appeal has been filed

against the judgment dated 12.01.2017, passed by learned

Principal Judge, Family Court, Purnea in Misc. Case No. 15 of

2011/CIS No. 000236 of 2013, whereby the appellant's

application under section 9 of the Guardian and Wards Act,

1890 has been dismissed on account of lack of territorial

jurisdiction.

Though the Miscellaneous Case No. 15 of 2011 was

filed in the year 2011 when Araria was not part of Purnia

District. However, Araria was carved out as district in 2014



from Purnia. It is not in dispute that since filing of the application the minor child is residing in the territorial jurisdiction of Araria district.

Learned counsel appearing for the appellant seeks permission to withdraw this appeal with liberty to withdraw his application from the Court of learned Principal Judge, Family Court, Purnia to present/file the same before the Principal Judge, Family Court, Araria.

In the circumstances, the appeal is permitted to be withdrawn.

It is expected from the learned Principal Judge, Family Court, Purnea to return the application with annexures of Miscellaneous Case No. 15 of 2011 to the counsel for the appellant for filing before the Principal Judge, Family Court, Araria within a period of 30 days from today.

The appeal is, accordingly, disposed of as withdrawn with the liberty aforementioned.

(Dinesh Kumar Singh, J)

(Arvind Srivastava, J)

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