

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1667 of 2018

In
Miscellaneous Jurisdiction Case No.3228 of 2016

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Hemant Kumar S/o Sri Sitaram Singh, R/o Village- Gehumi, P.O.- Sisodih,
P.S. District- Darbhanga.

... .. Petitioner/s

Versus

Manju Devi

... .. Opposite Party/s

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with
Miscellaneous Jurisdiction Case No. 3228 of 2016
In
Miscellaneous Appeal No.580 of 2013

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Hemant Kumar S/o Sri Sitaram Singh, R/o Village- Gehumi, P.O.- Sisodih,
P.S. District- Darbhanga.

... .. Petitioner/s

Versus

Manju Devi D/o-Sri Ganga Ram Mahto, resident of Mohan Math(Gopalpur)
P.S. Kamtaul, District Darbhanga.

... .. Opposite Party/s

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Appearance :

(In Miscellaneous Jurisdiction Case No. 1667 of 2018)

For the Petitioner/s : Mr.Kumari Jyoti

For the Opposite Party/s : Mr.

(In Miscellaneous Jurisdiction Case No. 3228 of 2016)

For the Petitioner/s : Mr.Kumari Jyoti

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

4 24-01-2020

Re: M.J.C. No.1667 of 2018

Heard learned counsel for the petitioner.

This application has been filed by the petitioner for
restoration of M.J.C. No. 3228 of 2016 in its original file which



stood dismissed for want of prosecution vide order dated 29.03.2018.

Learned counsel for the petitioner submitted that due to inadvertence the case was not marked by the Advocate Clerk, as a result of which learned counsel for the petitioner failed to appear before the Court when the case was called out.

For the reasons assigned, this application is allowed. M.J.C. No.3228 of 2016 is restored to its original file.

Re: M.J.C. No. 3228 of 2016

We have also heard the petitioner on the merits of M.J.C. No.3228 of 2016.

This application has been preferred by the petitioner for initiation of contempt proceeding against opposite party for her wilful and deliberate defiance of the judgment and order dated 13.5.2015 passed in Misc. Appeal No. 580 of 2013.

It is contended by learned counsel for the petitioner that in obedience of the order dated 13.5.2015 passed by this Court the petitioner provided separate accommodation to the opposite party and her two daughters in his village by taking a flat on rent. However, since then the petitioner is regularly making payment of Rs. 2000/- per month to the opposite party besides grains and other articles as directed by the Court. He has



stated that subsequently the petitioner came to know that the father of the opposite party used to take Rs. 1500/- per month from the opposite party from the amount of Rs.2000/- which the petitioner used to pay per month for expenses on her children. Besides that this petitioner also noticed that the father of the opposite party had been permanently residing with the opposite party in the rented house.

Having heard learned counsel for the petitioner and perused the order dated 13.5.2015, we are of the opinion that no case for initiation of contempt proceeding is made out.

The application is thoroughly misconceived. It is dismissed accordingly.

(Ashwani Kumar Singh, J)

(Partha Sarthy, J)

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