

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1052 of 2018**

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Kumud Ranjan Son of Late Rejeshwar Pandey, Resident of Mohalla-
Malviyanagar, Buxar P.S. Buxar T, District- Buxar.

... .. Petitioner/s

Versus

Dipa Kumari @ Dipa Devi Wife of Kumud Ranjan, D/o Gopal Jee Tiwary,
Resident of Mohalla- New Area Colony Gayatri Mandir and Prakash Petrol
Pump, Sasaram, Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey, Adv.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 01-09-2022 Heard learned counsel for the petitioner.

2. The petitioner is aggrieved by order dated 19.03.2018 passed by the Principal Judge, Family Court, Rohtas whereby the learned Family Court has further proceeded in the Matrimonial Case No. 51/2016 after holding that in view of refusal of the Respondent-wife to abide by the order dated 05.02.2018, she cannot be compelled to produce herself before the Medical Board.

3. Learned counsel for the petitioner submits that petitioner has filed Matrimonial Case before Family Court, Rohtas for a decree of divorce on the ground of mental illness of the Respondent-wife. He further submits that by order dated 05.02.2018 on an application filed by the petitioner, learned Family Court directed the Civil Surgeon, Sasaram, Rohtas to



constitute a Medical Board having a Psychiatrist in that Board with a further direction to the Respondent-wife to present herself before the Medical Board for examination of her mental illness.

4. From perusal of the impugned order, it appears that Respondent-wife has refused to present herself before the Medical Board and has submitted before the court that she is mentally fit and accordingly, the Family Court has proceeded further in the matter and directed the petitioner-husband to lead his evidence in support of his case.

5. I do not find any jurisdictional error and legal infirmity in the order impugned. Accordingly, this application stands rejected.

(Anil Kumar Sinha, J)

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