

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.456 of 2020**

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Tilotama Kumari Wife of Uma Shankar, Daughter of Manohar Lal Gupta @
Manohar Das, Resident of Salmari Hat, P.O. Salmari, P.S. Azamnagar,
District- Katihar.

... .. Petitioner/s

Versus

Uma Shankar Son of Chandra Kishor Das, Resident of Mohalla - Vivekanand
Colony, Durga Asthan, Katihar, Post Office- Katihar, Police Station- Katihar,
District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Mandal
For the Respondent/s : Mr.Anil Singh

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 22-02-2022 Heard the learned counsel for the petitioner as well as
the learned counsel for the sole respondent.

From perusal of the materials available with the
record it appears that the petitioner has instituted a suit for
decree of divorce by way of Matrimonial Case No. 111/2015,
which is at present pending in the Court of learned Principal
Judge Family Court, Katihar. The ground of the suit was
desertion of the petitioner by the respondent.

A petition on behalf of the respondent was filed on
16.08.2019 before the Trial Court with a prayer to call for the
report from the D.R.M. (N.F.) Railway, Katihar about issued
pass, including the members of the person mentioned in the
pass, copy of the Medical Card, journey details etc. That petition



was rejected by the impugned order dated 07.02.2020 and the case was fixed for final argument.

The learned counsel for the petitioner has submitted that she never deserted the plaintiff. It was essential to be called for from the D.R.M. (N.F.) Railway. He has also submitted that in paragraph 3 of the petition, she has specifically mentioned that she travelled on that pass upto 2014.

On the other hand, the learned counsel for the respondent has submitted that the suit was instituted way back in the year 2015. The petitioner appeared in February, 2016 and filed her written statement and thereafter, issues were settled on 21.03.2016 and thereafter, the case run for evidence of the parties. A prolonged duration was given to both the parties to lead their evidence and after conclusion of the evidence of both the parties it was closed and the case was posted for argument. At the stage of argument, the petition dated 16.08.2019 was filed on behalf of the respondent without assigning any reason for the delay. As submitted, the case has already been posted on judgment after filing of the written argument of the petitioner and the argument has also been concluded on behalf of the respondent.

In my view, the impugned order need not be interfered



with. Accordingly, this civil miscellaneous petition is dismissed.

The learned Court below is directed to expedite the matter and dispose of the case as early as possible on its own merit without being prejudiced by this order.

(Nawneet Kumar Pandey , J)

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