

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.133 of 2018

Harshita @ Harshita Devi wife of Dr. Hirendra Kumar, Daughter of Dr. Hari Nandan Prasad, resident of Mohalla- Bilasi More, Rampur, P.S.- Mohanpur, District- Deoghar Jharkhand. at present working as Development Officer, LIC, Deoghar, P.S.- Mohanpur, District- Deoghar Jharkhand.

... .. Petitioner/s

Versus

Dr. Hirendra Kumar Son of Sri Jabnardan Prasad Gupta, resident of Village- Lauwa Lagan, P.S.- Chausa, District- Madhepura, At present posted/ working as Medical Officer, Primary Health Centre, Benama, Itahari, P.S.- Salkhua, District- Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL JUDGMENT

Date : 26-07-2022

Heard Mr. Shailendra Kumar Singh, learned counsel for the petitioner and Mr. Yogesh Chandra Verma, learned senior counsel for the Respondent.

2. The petitioner is wife of the Respondent/husband. Respondent filed a Matrimonial Case seeking divorce from the petitioner under Section 13 (1) of the Hindu Marriage Act bearing Matrimonial Case No. 130 of 2013 in the Family Court, Madhepura.

3. The petitioner is aggrieved by the order dated 11.12.2017 passed by the Family Court, Bhagalpur, by which learned Family Court refused to recall the order dated 18.12.2014



by which petitioner was debarred from filing written statement and also did not allow her to lead evidence.

4. Learned counsel for the petitioner submits that at the instance of the petitioner, the case was transferred from Family Court, Madhepura, to Family Court, Bhagalpur. After transfer of the case in the Family Court, Bhagalpur, the petitioner filed the petition dated 6.2.2016 before the Family Court, Bhagalpur, for recall of the order dated 18.12.2014 and for allowing the petitioner/wife to file her written statement and to examine her witnesses in the Divorce Suit. Learned counsel next submits that only two witnesses are to be examined by the petitioner.

5. Mr. Yogesh Chandra Verma, learned senior counsel appears for the Respondent/husband and submits that in order to delay the disposal of the divorce suit, the petitioner has filed the frivolous petition. After some argument, he submits that the impugned order may be quashed with consent of the parties and the Family Court may be directed to dispose the Matrimonial Suit No. 38 of 2015/130 of 2013 pending before the Family Court, Bhagalpur, expeditiously, without giving unnecessary adjournment to both the parties.

6. In view of the aforesaid submission and with the consent of the parties, the impugned order dated 11.12.2017



passed by the learned Principal Judge, Family Court, Bhagalpur, in Matrimonial Case No. 380 of 2015/130 of 2013 is hereby quashed and the petitioner/wife is directed to file her written statement within a period of one month from today and the learned Principal Judge, Family Court, Bhagalpur, is directed to dispose the divorce suit finally after examination of two witnesses produced by the petitioner within a maximum period of nine months from the date of receipt/production of a copy of this order.

7. With the aforesaid observation and direction, this application stands disposed of.

8. There shall be no order as to costs.

(Anil Kumar Sinha, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	26.07.2022
Transmission Date	N.A.

