

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Appeal No.672 of 2017**

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Smt. Madhubala Devi, Wife of Vijay Kumar Upadhyaya, D/o Triloki Nath Upadhyaya, Resident of Village- Pasharma, P.S.- Gopalganj, District- Gopalganj, at present residing at Nautan Bazar, P.S.- Ekma, District- Saran.

... .. Appellant/s

Versus

Vijay Kumar Upadhyaya Son of Sri Rambilash Upadhyaya, Resident of Village- Pasharma P.O.-Basdila Bazar, P.S.- Gopalganj, District- Gopalganj.

... .. Respondent/s

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**Appearance :**

|                      |   |                                   |
|----------------------|---|-----------------------------------|
| For the Appellant/s  | : | Dr. Rajesh Kumar Singh, Advocate  |
| For the Respondent/s | : | Mr. Rakesh Kumar, Advocate        |
|                      |   | Mr. Pravashankar Mishra, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**and**  
**HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)**

13    15-09-2023                      In the present appeal, appellant has assailed the Judgment/order dated 14.05.2014 read with the decree dated 27.05.2014 passed by the learned Principal Judge, Family Court, Gopalganj in Matrimonial Case No. 115/2012 by which the marriage of the appellant with the respondent has been dissolved and it is stated to be ex-parte.

2. During pendency of the present appeal matter was referred to the Patna High Court Mediation Center for settlement, if any.

3. Parties have entered into an agreement on 08.08.2023 which has been signed by the respective parties along with the signatures of their respective advocates and the



same has been placed on record to the effect that there is a settlement to the extent that both of them are living together for the last about 4 years.

4. Since the parties have settled their dispute and have started living together and matrimonial relationship has been restored, in the light of the memorandum of agreement dated 08.08.2023, the Judgment/order dated 14.05.2014 and decree dated 27.05.2014 passed by the learned Principal Judge, Family Court, Gopalganj in Matrimonial Case No. 115/2012 are set aside. Parties are directed to abide by their terms of settlement and are at liberty to take recourse of this Court in case of violation by any of the parties.

5. Accordingly, the instant appeal stands allowed in terms of agreement among parties dated 08.08.2023 and Registry is hereby directed to draw a decree in terms of the memorandum of agreement dated 08.08.2023.

**(P. B. Bajanthri, J)**

**( Arun Kumar Jha, J)**

Himanshu/-  
Ashish/-

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