

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.319 of 2023

Kashish Kajal Daughter of Late Raja Prasad Jaisawal, Wife of Sashi Kumar @ Shashi Kumar Resident of Rajendra Nagar Road No.1, Kadamkuan, P.O. and P.S. Kadamkuan, District-Patna Bihar, Presently Residing and Posted at Union Bank of India, Near Mohammadabad Bus Stand, Shekhpur Rauza Branch, Ghazipur, Uttar Pradesh.

... .. Appellant/s

Versus

Sashi Kumar @ Shashi Kumar Son of Sri Gauri Shankar Prasad Resident of Khagri Road, Takiyapar, P.S.-Danapur, District-Patna, Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Mandal, Advocate
For the Respondent/s : Mr.

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

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

2 30-08-2023 In the instant petition, petitioner has prayed for the following relief(s):-

“That this appeal is directed against the order dated 24.02.2023 passed by the learned Principal Judge, Family Court, Patna under Section – 13 (B) of the Hindu Marriage Act, 1955 in Matrimonial Case No. 304 of 2020 whereby without considering the withdrawal application dated 11.10.2022 filed by the Applicant/Opp. Party as well Reply dated 24.01.2023 to the said withdrawal application filed by the Opp. Party/Appellant and instead of passing and order/final order; adjourned and fixed the said divorce case after three (3) months for the purpose of evidence, which is unreasonable and unwarranted and defeats the very purpose, objects and reasons to establish the family courts for speedy settlement of family disputes.”



2. Perusal of the impugned order dated 24.02.2023, it is evident that it is in the nature of interlocutory order. Therefore, under Section 19(1) of the Family Courts Act, 1984, the present Miscellaneous Appeal is not maintainable against the order which is in the form of an interlocutory order.

3. Accordingly, the present Miscellaneous Appeal stands dismissed, reserving liberty to the petitioner to invoke appropriate remedy.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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