

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.315 of 2020

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Sachindra Nath Prasad S/o Rajendra Prasad, Residence of Kamal Niwas,
Dharamganj Main Road, P.S. Kishanganj, District - Kishanganj, at present
R/o Intelligence Officer, NCB, Ballard Estate, Mumbai.

... .. Appellant/s

Versus

Sharda Devi @ Sharda Kumari W/o Sachindra Nath Prasad, Daughter of
Gauri Shankar Sah, Resident of Village - Aliganj, P.S. Banka, District -
Banka.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Diwakar Sinha
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

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

7 03-12-2024 The appellant has assailed the order of the

Family Court dated 09.06.2020.

2. We have perused the petition filed in

Matrimonial Suit No. 47 of 2010 which was filed under

Section 13 (i-a), 13(iii) of Hindu Marriage Act, 1955.

Perusal of the pleadings, the appellant has not apprised

the Family Court as to what is the date of desertion from

the matrimonial by the respondent. In the absence of

specific date, desertion contention is not tenable for want

of ingredients of Section 13(1)(ib) of the Hindu Marriage



Act, 1955. Further, certain allegations relating to cruelty, there are no dates and events. In the absence of date of desertion and other materials, the appellant has not made out a case.

3. Learned counsel for the appellant vehemently contended that by virtue of Court's order, the parties have reunited and thereafter fresh cause of action has arisen. On this issue, earlier Court order has not been placed on record so as to examine from what date the fresh cause of action has accrued. It is further submitted that respondent is not residing with the appellant for more than decade. On this ground alone, the appellant is entitled. In this regard, it is not appropriate to take note of in the present appeal.

4. Accordingly, the present appeal stands dismissed for want of material information.

5. In the absence of necessary material information, appraised in the first instance at the time of filing Matrimonial Suit No. 47 of 2010, the appellant



cannot improve in the present Misc. Appeal.

6. Accordingly, appellant has not made out a case so as to interfere with the impugned order dated 09.06.2020 passed in Matrimonial Suit No. 47 of 2010 on the file of Principal Judge, Family Court, Banka.

7. Appeal stand dismissed.

(P. B. Bajantri, J)

(S. B. Pd. Singh, J)

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