

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2245 of 2019

In
CRIMINAL MISCELLANEOUS No.49218 of 2018

=====

Anjum Bano Wife of Aftab Alam, D/o Mohammad Mahangu @ Munniruddin
@ Mahangoo Mian Resident of at present Rahat Road, Karim Chak, P.S.-
Chapra Town, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Aftab Alam Son of Ekramul Haque Resident of Bag Taz Khan Pokhra,
P.S.- Hazipur Town, District- Vaishali.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Adv.
For the Opposite Party/s : Mr. Md. Harun Quareshi, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-08-2024 Heard the parties.

2. The present writ petition has been filed for transferring the Restitution Case No. 111 of 2018 from the court of the learned Principal Judge, Family court, Hajipur, Vaishali to the Court of learned Principal Judge, Family Court Saran at Chapra under whose jurisdiction petitioner is residing and Maintenance Case No. 119 of 2018 filed by the petitioner is pending for it's adjudication.

3. At the outset, learned counsel appearing on behalf of the opposite party has provided the order-sheet of matrimonial (restitution) Case No. 111 of 2018 passed by the Court of learned Principal Judge, Family Court, Vaishali at



Hajipur dated 24.07.2021 by which the same has been disposed of and para 8 read as follows:

Para 8- *On careful scrutiny of the evidence on record it is quite clear that the defendant Anjum Bano is wife of the plaintiff Md. Aftab. It is also apparent that witnesses have specifically and categorically stated in their evidence that Anjum Bano is living at her parental house and has withdrawn herself from the society of the plaintiff without any reasonable excuse. There is nothing on record to disbelieve the evidence adduced on behalf of the plaintiff.*

In view of the aforesaid facts and circumstances, I find and hold that the plaintiff has been able to prove that Anjum Bano wife of the plaintiff has withdrawn herself without sufficient reason from the society of her husband, the plaintiff Md. Aftab. So I hold that plaintiff is entitled to get a decree of restitution of conjugal rights U/s 281 of the Mahomedan Law against the defendant.

Accordingly the suit of the plaintiff be and the same is hereby decreed ex parte against the defendant. The defendant is directed to return back in the society of her husband, the plaintiff within three months from the date of the decree.



4. In that background, when the Matrimonial (restitution) Case No. 111 of 2018 already stands disposed of, nothing remains. The present petition (MJC No. 2245 of 2019) accordingly stands disposed of.

(Rajiv Roy, J)

Vijay Singh/-

U			
---	--	--	--

