

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.210 of 2025**

1. Sushila Devi Wife of Upendra Narayan Singh Resident of Village- Poiwa, P.O.- Poiwa, P.S.- Muffasil, District- Aurangabad (Bihar).
2. Upendra Narayan Singh, Son of Late Dharmdev Narayan Singh Resident of Village- Poiwa, P.O.- Poiwa, P.S.- Muffasil, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

Divya Sonali @ Divya Sonali Singh, Wife of Late Gautam Kumar Singh
Resident of Gaddi Mohalla, P.O. and P.S.- Nagar, District- Giridih
(Jharkhand).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar, Advocate
For the Respondent/s	:	Mr. Jitendra Kumar Roy-1, Advocate Mr. U.K. Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 31-07-2025

Record taken up on mentioning being made on
behalf of the respondent.

2. Heard learned counsel for the parties.

3. The petitioners have approached this Court for setting aside the order dated 04.01.2025 passed by learned Principal Judge, Family Court, Aurangabad in Guardianship Case No. 05 of 2024, whereby and whereunder the learned Family Court proceeded in the matter ex-parte against the petitioners and the evidence of the respondent was closed without cross-examination.

4. Learned counsel for the respondent submits that



the petitioners with intention of delaying the disposal of Guardianship Case No. 05 of 2024, filed the present civil miscellaneous though they have not genuine interest in cross-examining the respondent or leading their own evidence. Learned counsel further submits that the necessity for mentioning the case arose when this Court, vide order dated 10.02.2025, directed the learned trial court not to pronounce judgment in Guardianship Case No. 05 of 2024 as the matter before the learned trial court was fixed for judgment after closure of argument of the respondent. Learned counsel further submits that he has no objection if the present petition is allowed and the petitioners are directed to cross-examine the respondent and lead their evidence within a time frame.

5. Since the petitioners have approached this Court with limited prayer for setting aside the order dated 04.01.2025, whereby and whereunder the petitioners have been debarred from cross-examining the respondent in Guardianship Case No. 05 of 2024 and have further been proceeded ex-parte, without going into details of the case, the order dated 04.01.2025 is set aside and the petitioners are directed to cross-examine the respondent stated to be only witness on behalf of the respondent before the learned trial court within a week after receipt of copy



of this order. It is further directed that thereafter the petitioners would adduce their evidence and respondent would cross-examine the witnesses, if she so desires, also within a week thereafter.

6. Learned trial court is directed to fix the dates accordingly.

7. With the aforesaid observation and direction, the present petition stands disposed of.

8. Office is directed to send a copy of this order to the learned trial court forthwith through Fax/E-mail.

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.07.2025
Transmission Date	NA

