

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.216 of 2024

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Ripu Kumar Son of Heeralal Prasad Resident of Chanpatiya Bazar (Mela Ground), Ward No. 2, Chanpatiya, District- West Champaran.

... .. Appellant/s

Versus

Chanda Kumari Wife of Ripu Kumar, D/o Kishore Kumar Resident of Bettiah Purani Gudari, P.S.- Bettiah Town, District- West Champaran, at present residing of Mithapur Bypass Road, Bhupatipur (Aastha Marriage Hall, Surbhi, Bihar), Patna, P.S.- Jakkanpur, District- Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Madhusudan Kumar
For the Respondent/s : Mr.Sunil Kumar

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
and
HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI)

7 25-11-2025 Learned Advocate on behalf of the appellant/petitioner is present. The respondent is personally present along with her learned Advocate.

2. On the basis of the order dated 09th September 2025, the appellant has filed an application under Section 13 B of the Hindu Marriage Act for mutual divorce stating certain terms and conditions.

3. It was directed vide order dated 09th September 2025 that if the application under Section 13B of the Hindu Marriage Act, 1955 shall be filed before this Court withdrawing absurd allegations which have been made in the matrimonial



case against the respondent, she shall also support the said petition.

4. Taking into account the said undertaking made by the respondent, the appellant with a caption under Section 13 B of the Hindu Marriage Act wherein in paragraph 2 it is stated by the appellant;-

“2. That the appellant-petitioner Ripu Kumar is humbly submitting that there is a specific allegation in Para-6 of the plaint of Divorce No. 496/2019/ CIS No. 149/2019 that there is an illicit relation of the respondent (Chanda Kumari) with somebody else but today, the appellant-petitioner wants to withdraw this specific allegation against her with apology without any illegal pressure or coercion of anybody for which he himself feels guilty. He may be excused. It is absolutely hearsay evidence. It was never under the personal knowledge of the appellant-petitioner.”

5. The respondent and her learned Advocate was shown the contents of paragraph no. 2 to intimate this Court as to whether her purpose will be served if the above statement is published in daily newspaper at Hyderabad and Chanpatiya in the District of West Champaran.

6. The respondent personally submits that another line



may be added in paragraph no. 2 quoted hereinabove to the effect that the appellant-petitioner (Ripu Kumar) never treated the respondent (Chanda Kumari) as his legally wedded wife, since the very inception of the marriage.

7. Learned Advocate for the appellant is permitted to add the above mentioned line in paragraph no. 2 of the petition in course of this day.

8. Moreover, in paragraph no. 5 of the petition, the appellant-petitioner states: -

“5. That the appellant-petitioner undertakes to publish the apology in Hindi Newspaper at Chanpatia i.e., Dainik Jagran and Times of India, Hyderabad, Instagram bearing I.D. No. SHIVNANDAN02 and Facebook with regard to the allegation of illicit relation made in the Divorce Petition before the court below and it will not be deleted till his death. In case it will be deleted then the matter should be enquired by the competent authority of Cyber Crime of India.”

9. Both the paragraphs would be published in the daily newspaper published from Hyderabad as well as Chanpatia in the District of West Champaran.

10. On fulfilling the above conditions, the parties are at liberty to file an application under Section 13 B of the Hindu



Marriage Act before the jurisdictional Family Court for dissolution of marriage.

11. If such application is filed, the learned Principal Judge shall consider as to whether the statutory period of cooling may be shortened in view of pendency of MA No. 216 of 2024 since 2024.

12. In view of the above direction, the judgment and decree of dismissal of Divorce Case No. 496 of 2019 is dismissed.

13. The appeal is accordingly, disposed of.

(Bibek Chaudhuri, J)

(Dr. Anshuman, J)

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