

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.279 of 2022

Jaya Kumari

... .. Appellant/s

Versus

Nandalal Mandal

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Niranjana Parihar, Advocate

For the Respondent/s : Mr. Rajesh Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

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

8 16-01-2025

Heard I.A. No. 2 of 2024

2. Interlocutory Application No. 2 of 2024 has been filed to recall the order dated 10.12.2024 insofar as litigation cost of Rs. 20,000/- is concerned. Respondent-Nandalal Mandal being Railway employee he cannot deny right of the appellant-Jaya Kumari in litigating the matter and for which she is entitled for financial support. Therefore, order dated 10.12.2024 stands modified from Rs. 20,000/- to that of Rs. 10,000/-. The same shall be paid by the Respondent-Nandalal Mandal to Appellant-Jaya Kumari through bank transfer within a period of two weeks. Accordingly, I.A. No. 2 of 2024 stands disposed of.

3. Appellant has prayed for the following relief(s):-

*"That this Misc. Appeal is being
filed against the order dated 27.04.2022*



passed in Matrimonial Suit No. 32 of 2019 by the Principal Judge, Family Court, Jamui whereby and whereunder pleased to allow the suit by giving direction to the appellant to restore the conjugal right."

4. Today, parties are present. Appellant-Jaya Kumari intends to join her husband-Nandalal Mandal. She cannot pursue this matter in respect of order/judgment passed under Section 9 of the Hindu Marriage Act, 1955. Accordingly, she is permitted to withdraw the present Appeal No. 279 of 2022.

5. The present appeal stands dismissed as withdrawn reserving liberty to exercise such legal right available to her before the appropriate forum and in accordance with law. Pending Interlocutory Application(s), if any, stands disposed of.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

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