

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2323 of 2024

In
CIVIL MISCELLANEOUS JURISDICTION No.188 of 2021

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Rubi Kumari Pati Do. Ritesh Kumar Vartaman pata- pita- Balmukund Singh,
Gram Sonyava, P.O.- KhushhalpuR, Thana- Telhara, Zila- Nalanda

... .. Petitioner/s

Versus

1. Bihar Rajya dwara Mukhya Sachiv, Bihar Sarkar, Patna Shri Brajesh Mehrotra
2. Pradhan Nayayadhesh Parivar Nyayalaya Biharsharif Nalanda, Shri Vijay Anand Tiwari
3. Do. Ritesh Kumar Pita Shailendra Singh, Gram Mukhdumpur, Post Badi Paithana, Thana Islampur, Zila- Nalanda, Pin Code- 801303

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Indradeo Prasad
For the Opposite Party/s : Mr.Ga 5

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

6 01-08-2025 The present petition has been filed on behalf of the petitioner with a prayer to punish the erring persons for not comply the order dated 5-04-2022, passed by this Court in Civil Miscellaneous No. 188 of 2021.

2. The brief facts of the case are that the petitioner filed Matrimonial Case No. 296 of 2016 for restitution of conjugal rights under Section 9 of the Hindu Marriage Act against Respondent No. 3, claiming Respondent No. 3 as her husband. The suit was decreed ex parte vide order dated 17-02-2018. Respondent No. 3 filed a petition under Order IX, Rule 13



of the CPC for setting aside the ex parte decree dated 17-2-2018. It was registered as Miscellaneous Case No. 20 of 2018. The ex parte decree dated 17-2-2018 was set aside and the Matrimonial Case No. 296 of 2016 was restored to its original number, vide order dated 23-2-2021, passed by the Principal Judge Family Court, Nalanda, in Miscellaneous Case No. 20 of 2018.

3. The learned counsel for the petitioner has submitted that vide order dated 5-04-2022 passed in Civil Miscellaneous Jurisdiction No. 188 of 2021, the operation of the order dated 23-2-2021 (mistakenly written as dated 23-1-2021), was stayed till next hearing of the case, despite that the Matrimonial Case No. 296 of 2016 was dismissed in default on 13-12-2023.

4. It appears that the Civil Miscellaneous Jurisdiction No. 188 of 2021 has finally been disposed of by the order dated 10-2-25 by the Coordinate Bench of this Court. The coordinate Bench directed the learned court below to dispose of the petition filed by the petitioner under Section 340 of CrPC in accordance with law at the earliest since the said petition is stated to be filed before taking action for filing false affidavit before the learned Trial Court.

5. As the Coordinate Bench has already directed the



learned Court below to dispose of the petition filed by the petitioner under Section 340 of CrPC, I do not find merit in the present petition. Accordingly, it is dismissed.

(Nawneet Kumar Pandey, J)

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