

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1061 of 2019**

Shishir Kumar S/o Sri Manibhushan Prasad Singh @ Mani Bhushan R/o Village- Mahmadpur, P.S.- Sakra, District- Muzaffarpur At Present- House no.- 575/1, Dilli Road Madhav Puram, Sector-1, P.S.- Madhav Puram District- Meerut, Uttar Pradesh.

... .. Petitioner/s

Versus

Anupma Anand D/o Sri Madan Mohan Thakur R/o Village- Dwarikapur, P.S.- Sakra, District- Muzaffarpur presently residing at Near Kendriya Vidyalaya, Gannipur, Ram Dyalu Nagar Station, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Manoj, Advocate
For the Respondent/s : Mr. Manoj Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

5 30-10-2025 Heard both sides.

2. This application has been filed for quashing and setting aside the order dated 24.04.2019 passed by learned Principal Judge, Family Court, Muzaffarpur in Matrimonial Case No.159 of 2014 wherein the petition dated 11.12.2018 filed by the appellant for examination of the respondent for mental health/aberration by premier mental hospitals having specialist and expert in mental illness/health has been dismissed and for issuance of further direction to arrange for examination of respondent by the experts in the mental illness and aberration diagnosis for which petitioner is ready to bear the cost, in the interest of justice.

3. Learned counsel for the petitioner submits that



examination of O.P./Respondent by the Medical Board has not been conducted in presence of the petitioner which is required as per law and the order passed on 18.11.2013 in Criminal Miscellaneous No.18608 of 2013.

4. The learned trial court has held in the impugned order as follows:

“Considering the facts that O.P. has already been examined by the Medical board and she was found in good mental health. I find that there is no further examination required in this case. Hence, the application filed by the applicant is **rejected.**”

5. Learned counsel for the petitioner fails to show any provision of law in which appearance of petitioner is required at the time of medical examination of O.P./Wife by the Medical Board. In the order dated 8.11.2013 passed in Criminal Miscellaneous No.18608 of 2013, there is no mention of the aforesaid fact that medical examination will be conducted in presence of the petitioner. Therefore, there is no merit in the present petition.

6. Accordingly, the present petition stands rejected.

7. The learned Trial Court is requested to expedite the trial of Matrimonial Case No.159 of 2014 as the case is pending



since long and conclude the same preferably within a period of
six months.

(S. B. Pd. Singh, J)

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