

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.553 of 2023

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Ganesh Chandra Jha Son of Shailendra Kumar Jha Resident of Village-
Harari, P.S.- Rudrapur, District- Madhubani.

... .. Appellant/s

Versus

Kiran Devi Daughter of Ram Chandra Mishra (Wife of Ganesh Chandra Jha)
Resident of Village- Satghara, P.S.- Babubarhi, District- Madhubani (Bihar).
At present, resident of House no.- 2047/25, Molarband, Extension 2nd 60-
Foota Road, Badarpur (Delhi)- 110044.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajesh Kumar Jha, Advocate
For the Respondent/s : Mr. Dr. Alok Kumar Sinha, Advocate

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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 05-12-2025 The appellant has filed the instant appeal against an

order of dismissal of the suit for non-prosecution/default.

2. The remedy lies in filing appropriate application

before the Family Court for setting aside the order of dismissal

for non-prosecution.

3. Section 19(1) of the Family Courts Act enabling an

aggrieved person to file an appeal is not applicable in the instant

case, as no judgment or order was passed by the learned

Principal Judge, Family Court, Madhubani. Therefore, the

instant appeal is liable to be dismissed.

4. Accordingly, the appeal is dismissed being not



maintainable.

5. The appellants is at liberty to file appropriate application before the learned Principal Judge, Family Court, Madhubani alongwith an application under Section 5 of the Limitation Act.

6. If such application is filed, the learned Principal Judge, Family Court, Madhubani shall decide the application for condonation of delay considering the fact that the appellant was pursuing the instant appeal in a wrong forum diligently.

7. Let, a copy of this order be sent to the learned Principal Judge, Family Court at Madhubani alongwith the Lower Court Record.

(Bibek Chaudhuri, J)

(Dr. Anshuman, J)

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