

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.288 of 2024

In
Miscellaneous Appeal No.2 of 2011

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Namita Kumari, female, Wife of Kumar Pankaj Resident of Village Kanayia Chak, Police Station-Kinjar District-Arwal.

... .. Petitioner/s

Versus

1. Kumar Pankaj, Male, Son of Late Ramadhar Sharma Resident of Village-Kanayia Chak, Police Station-Kinjar District Arwal
2. Mamta Devi, Female, Daughter of Shri Ram Chhabila Sharma K.D.H. Project, Dakra Area, Post Office-Dakra, Police Station-Khalari, District-Ranchi (Jharkhand) Present Address R/o Sharma Colony, Deepatoli, Bariatu P.O. and P.S. Bariaru, District-Ranchi, Jharkhand.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Jha, Sr. Advocate
Mr. Bijay Bhushan Prasad, Advocate
Ms. Rani Shashi Bharti, Advocate

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

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

3 27-08-2025 The review petitioner has sought for reviewing the order dated 06.07.2015 passed in M.A. No. 2 of 2011 arising out of Matrimonial Case No. 65 of 2007 on the file of Principal Judge, Family Court, Jehanabad. There is delay of about 7 years 2 months and one day. I.A. No. 1 of 2025 has been filed further seeking permission to file civil review.

2. In brief, there was a matrimonial dispute between *Kumar Pankaj* and *Mamta Devi* (first wife). Family court while



disposing Matrimonial Case No. 65 of 2007 made certain observations which are adverse to the review – petitioner *Namita Kumari*. The same was not within the knowledge of the review petitioner *Namita Kumari* till filing of the present civil review application, since she was not arrayed as party respondent. In the meanwhile, *Kumar Pankaj* had filed Miscellaneous Appeal No. 2 of 2011 in assailing judgment in Matrimonial Case No. 65 of 2007 and it was disposed of as withdrawn on 06.07.2015, which is a subject matter of present civil review.

3. It is to be noted that if any adverse order is passed against the review petitioner – *Namita Kumari* in Matrimonial Case No. 65 of 2007, in that event she had remedy of filing review application before the Family Court. In the alternative, she had remedy of filing miscellaneous appeal as appellant in assailing judgment or order passed in Matrimonial Case No. 65 of 2007. Review petitioner - *Namita Kumari* cannot seek to recall the order dated 06.07.2015 passed in MA No. 2 of 2011 filed by *Kumar Pankaj*. Moreover, it is to be noticed that *Kumar Pankaj* has withdrawn MA No. 2 of 2011. In such circumstance, review petitioner *Namita Kumari*, as a stranger to the present MA No. 2 of 2011, cannot seek for recalling. In the light of



these facts and circumstance, present civil review stands disposed of reserving liberty to the review petitioner to invoke remedy before appropriate forum in accordance with law.

4. Pending I.A., if any stands disposed of.

(P. B. Bajanthri, J)

(Shailendra Singh, J)

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