

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.730 of 2019

Binod Rajak @ Vinod Rajak Son of Dev Rajak Resident of Village- Chakand Bazar, P.S.- Chandauti, District- Gaya (Bihar).

... .. Appellant/s

Versus

Maro Devi Wife of Binod Rajak @ Vinod Rajak and daughter of Sukan Rajak Resident of Village- Aurwan, P.S. Magadh Medical, District- Gaya (Bihar).

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Arvind Kumar Singh
For the Respondent/s : Mr.

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

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

8 23-04-2025 Appellant has assailed the order of the Family Court, dated 10.07.2019, passed in M.T.S. No. 09 of 2006 on the file of Principal Judge, Family Court, Gaya, Bihar. Respondent – Maro Devi filed petition for restitution of conjugal rights, under Section 9 of the Hindu Marriage Act, 1955. The same was allowed. It is necessary to reproduce para 6 which reads as under:-

“ 6. Considering the fact that both the parties are ready to



live together and they have accepted this fact in their written statement and plaint. Considering the fact available on the record and hearing plaintiff and defendant I am of opinion that there is no legal ground why the application should not be granted and accordingly I am of opinion that decree for restitution of conjugal rights may be granted and as a result it is hereby, that the present petition filed by the plaintiff is allowed on contest but without cost. The opposite party is directed to perform his conjugal rights with the plaintiff. Let a decree for restitution of conjugal rights be prepared accordingly.”

2. In the light of these facts and circumstances, if the Respondent or Appellant, either of them, have any grievance insofar as execution of the order dated 10.07.2019, they have remedy of filing Execution Petition and not Misc. Appeal.

3. At this stage, learned counsel for the



Appellant seeks permission to withdraw the present appeal.

4. Accordingly, the present Miscellaneous Appeal No.730 of 2019 stands disposed of as withdrawn, reserving liberty to invoke appropriate remedy.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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