

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.193 of 2019

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Mukesh Kumar S/o Kameshwar Mandal @ Kameshwar Prasad Mandal Vill.-
Chikni, P.S.- Barari, Distt.- Katihar

... .. Appellant/s

Versus

Pramila Devi W/o Mukesh Kumar D/o Satya Narayan Singh, Resident of
Vill.- Kebala, P.S.- Manihari, Distt.- Katihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Arvind Kr. Srivastava, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NANI TAGIA)

2 13-01-2026 Heard learned counsel for the appellant.

2. The order dated 20.04.2012, passed by learned Principal judge, Family Court, Katihar in Matrimonial (Divorce) Case No. 26 of 2004, which is under challenge in the present appeal, was earlier put to challenge by the appellant in M.A. No. 325 of 2012, wherein, this Court vide order dated 12.09.2012, issued notice to the respondent, for which requisites under ordinary process as well as registered cover was directed to be filed within a period of three weeks, failing which, it was further directed that the appeal shall stand rejected without further reference to a Bench.

3. It appears that the appellant failed to file requisites



for issuance of notice to the respondent within the time stipulated vide peremptory order dated 12.09.2012 passed in M.A. No. 325 of 2012. As a result, M.A. No. 325 of 2012 stood dismissed for non-compliance of peremptory order dated 12.09.2012.

4. In the above circumstances, the appellant had filed M.J.C. No. 453 of 2017 for recalling of the order dated 12.09.2012, passed in M.A. No. 325 of 2012 and for restoration of the aforesaid appeal.

5. In M.J.C. No. 453 of 2017, by which the appellant had prayed for recalling of the order dated 12.09.2012, passed in M.A. No. 325 of 2012, this Court vide order dated 07.08.2024, on finding that the copy of the order dated 12.09.2012 itself was not enclosed, had dismissed the M.J.C. No. 453 of 2017, providing liberty to the appellant to file a fresh petition subject to payment of a cost of ₹1,000/-, which was directed to be remitted in the account of Patna High Court Legal Services Committee.

6. Since, the appellant has preferred the present appeal challenging the same order dated 20.04.2012, passed by learned Principal judge, Family Court, Katihar in Matrimonial (Divorce) Case No. 26 of 2004, which the appellant had already



challenged in M.A. No. 325 of 2012, we dismiss this appeal with liberty granted to the appellant to pursue the remedy as directed by this Court vide order dated 07.08.2024, passed in M.J.C. No. 453 of 2017.

7. The appeal stands disposed off with above direction.

(Nani Tagia, J)

(Sunil Dutta Mishra, J)

Amrendra/-

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