

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.432 of 2024

=====

Dr Muskan Ekta W/o Dr. Manish Chandra, Resident of Mohalla- Nutan Nagar, P.O.- H.P.O. Gaya, P.S.- Civil Line, District- Gaya, and D/o Dr. Vinod Kumar, Resident of Neelamber Gyan Niketan Road, Near Red Velvet Hotel, West Nehru Path, P.S.- Danapur, District- Patna, PIN- 801503, Mobile No. 9262635090.

... .. Appellant/s

Versus

Dr Manish Chandra S/o Late Lal Mohan Prasad, Resident of Mohalla- Nutan Nagar, P.O.- H.P.O. Gaya, P.S.- Civil Line, District- Gaya, PIN- 823001, Mobile Nos.- 9386052917. 7717783550.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Satya Prakash Sinha, Advocate
For the Respondent/s :

=====

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
and
HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI)

14 19-02-2026 Learned counsel for the the appellant is present with his client. No one appears on behalf of the respondent or the respondent himself.

2. It transpires to this Court that the order dated 10.10.2023 and decree dated 17.10.2023 passed by learned Principal Judge, Family Court, Gaya in MTS Case No. 408 of 2022 under Section 13-B of Hindu Marriage Act, 1955.

3. Learned counsel for the appellant submits that the said decree has been obtained by committing fraud upon the appellant.

4. If it is so, the remedy of obtaining a decree by fraud is before the original Court by way of filing fresh case.

5. This Court is cautious that for filing the fresh suit there is always law of limitation.

6. In these facts and circumstances, the present miscellaneous appeal is disposed of granting liberty to the petitioner to challenge the said judgment and decree before the original Court on the ground of fraud.

7. Accordingly, the miscellaneous appeal stands disposed of.

(Bibek Chaudhuri, J)

(Dr. Anshuman, J)

Jyoti Kumari/-

U			
---	--	--	--