IN THE HIGH COURT OF JHARKHAND AT RANCHI

F.A No.299 of 2026

Rimjhim, wife of Dr. Niraj Kumar Choudhary, daughter of late Bilas Jha, aged about 38 years, resident of village and P.O-Sabaur, P.S Sabaur, District-Bhagalpur, Bihar. **..... …Plaintiff/ Appellant**

Versus

Dr. Niraj Kumar Choudhary, wife of Sri Udai Kant Choudhary, resident of Duplex No.F-1, Vijaya Gardens, Baridih, Birsanagar, Jamshedpur, P.O and P.S-Baridih, District-East Singhbhum, permanent resident of at No.19 B Road (East) Birtherb Town, P.O and P.S Bistupur, Jamshedpur, District-East Singhbhum. **… … Respondent**

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE AKHIL KUMAR

For the Appellant : Mr. J.N. Upadhyay, Advocate
For the Respondent : Mr. Rohit Sinha, Advocate
Mr. Vijay Shankar, Advocate
Mr. Imran Hassan, Advocate
Mr. Paritosh Rai, Advocate
Mr. Anadi Brahma, Advocate

Order No.04/Dated: 24th September, 2026

I.A No.8520 of 2026

1. The instant interlocutory application has been filed under section 5 of the Limitation Act, 1963 to condone the delay of 129 days, since, as per the stamp reporting, the present appeal being F.A. No.299 of 2026 has been preferred after delay of 129 days.

2. The reason has been assigned as under paragraph no.6 to 8 thereof taking the ground that after the dismissal of Original Suit No.305 of 2019 the conducting advocate engaged in the trial Court had not informed the appellant about the same and when she searched about the status of the case then she came to know about the dismissal of the said suit. After that she came to Ranchi and obtained the relevant documents and handed over to the learned counsel and, thus, the delay of 129 days occurred.

3. The learned counsel appearing for the respondent has submitted that he is having no objection in condoning the delay as the parties have arrived at an amicable settlement to resolve the dispute.

4. We have heard the learned counsel appearing for the parties on the issue of condonation of delay.

5. We are conscious that if sufficient cause is being shown by the party concerned, the delay is to be condoned. Herein, the delay of 129 days has been pointed out by the office and the reason shown to be sufficient has been stated in paragraph-6 to 8 of the application for condonation of delay stating that the appellant was having no knowledge about the dismissal of the suit.

6. This Court, considering the aforesaid reason as stated in paragraph-6 to 8 as also considering the fact that the parties have amicably settled their dispute, is of the view that the delay of 129 days in preferring the appeal is to be condoned and, accordingly, condoned.

7. I.A No. 8520 of 2026 stands allowed and disposed of.

F.A. No.299 of 2026

8. The instant appeal is directed against the judgment dated 03.11.2025 and the decree signed on 13.11.2025 passed in Original Suit No.305 of 2019 by the learned Addl. Principal Judge, Addl. Family Court-I, Jamshedpur, East Singhbhum whereby and whereunder the petition filed under section 9 of the Hindu Marriage Act, 1955 by the appellant-wife against the respondent-husband for restitution of conjugal rights has been dismissed.

9. The learned counsel appearing for both the parties by referring to the order dated 08.09.2026 have submitted that mediation has become successful initiated in pursuance to the order dated 15.05.2026 of the Hon'ble Apex Court passed in Special Leave to Appeal (C) No(s).16844/2026.

10. It has been submitted by the learned counsel appearing for the partis that amicable settlement has been arrived at between the parties by making payment of Rs.50 lakhs to be paid to the appellant-wife, out of which a sum of Rs.10 lakhs has already been paid to the appellant-wife by way of Demand Draft bearing no.689088 dated 14.09.2026, a copy thereof has been produced in the Court.

11. Let the same be taken on record.

12. The aforesaid payment of Rs.10 lakhs has not been disputed by the learned counsel appearing for the appellant-wife.

13. The learned counsel appearing for both the parties have jointly submitted that, since, the matter has been amicably settled between the parties in terms of money and a part payment of Rs.10 lakhs has already been paid to the appellant-wife out of Rs.50 lakhs and, as such, the instant appeal may be disposed of in terms of the settlement arrived at between the parties.

14. In view of the aforesaid submission made on behalf of both the parties, the instant appeal stands disposed of in terms of amicable settlement arrived at between the parties.

15. Pending I.As, if any, stands disposed of.

(Sujit Narayan Prasad, J.)

(Akhil Kumar, J.)

Dated:24.09.2026.
Sudhir