

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.19934 OF 2017  
(arising out of SLP(Civil)No.23024 of 2015)

ARCHANA KUMARI

... APPELLANT(S)

VS.

BIJAY KUMAR SINGH AND ANR.

... RESPONDENT(S)

O R D E R

Leave granted.

We have heard the learned counsel appearing for the parties and perused the impugned judgment and order dated 29<sup>th</sup> June, 2015 passed by the Division Bench of the High Court of Judicature at Patna whereby the Divorce Petition filed by the respondent No.1 herein being Title Suit (Matrimonial) No.80 of 2007 has been allowed and the marriage has been dissolved. No reasons have been given in the impugned judgment except in paragraph (7). In paragraph (7) of the impugned judgment, we find that the High Court has straight away noted the non-compliance of order dated 4<sup>th</sup> April, 2015 which was passed with the consent of the appellant herein. That cannot be a ground for setting aside decree order passed by the Family Court dismissing the Divorce Petition filed by respondent No.1 herein.

We are, therefore, left with no option but to set aside the impugned judgment and order and remand the matter to the High Court for deciding the Miscellaneous Appeal No.269 of 2013 afresh on merits in accordance with law.

Thus, the appeal succeeds and is allowed.

.....J.  
[R.K.AGRawal]

.....J.  
[NAVIN SINHA]

New Delhi;  
November 28, 2017.

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 23024/2015

(Arising out of impugned final judgment and order dated 29-06-2015 in MA No. 269/2013 passed by the High Court of Judicature at Patna)

ARCHANA KUMARI

Petitioner(s)

VERSUS

BIJAY KUMAR SINGH & ANR.

Respondent(s)

(list the matter for final disposal on a NMD in the third week of Nov. 2017)

Date : 28-11-2017 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.K. AGRAWAL

HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s) Mr. Jay Kishor Singh, AOR

For Respondent(s) Mr. G.A.Selvam, Adv.  
Mr. Gopal Balwant Sathe, AOR

Mr. Gaurav Agrawal, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Heard learned counsel appearing for the parties.

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application, if any, stands disposed of.

(ANITA MALHOTRA)  
COURT MASTER

(CHANDER BALA)  
COURT MASTER

(Signed order is placed on the file.)