

IN THE HIGH COURT OF JUDICATURE AT PATNA

Vinita Sinha

vs.

Ravish Ranjan

MISCELLANEOUS APPEAL NO. 157 OF 2018

23 June, 2025

(Hon'ble Mr. Justice P.B. Bajanthri and Hon'ble Mr. Justice S.B. PD. Singh)

Issue for Consideration

Whether the judgment and decree of divorce dated 03.02.2018 passed by the Principal Judge, Family Court, Patna, in Matrimonial Case No. 5319 of 2014, was vitiated due to non-adjudication of interim maintenance and recall petitions filed by the appellant-wife, thereby denying her fair opportunity to contest the case.

Headnotes

Family Law – Hindu Marriage Act, 1955 – Section 13(1)(i-a) – Divorce on Ground of Cruelty and Desertion – Held, Set Aside Where Wife Was Denied Opportunity to Cross-Examine and Interim Relief Petition Remained Undecided. Paras 11–13: Appellant filed petition for interim maintenance (19.12.2014) and recall of respondent's witnesses for cross-examination (14.11.2017). Both remained unadjudicated. Court found procedural lapse rendered the decision vulnerable.

Procedural Fairness – Right to Cross-Examine – Fundamental to Natural Justice – Non-Consideration of Recall Petition Filed Before Judgment – Held, Prejudicial to Appellant. Paras 12–13: Non-decision on recall of witnesses before closure of appellant's evidence and commencement of arguments resulted in deprivation of opportunity for effective defence.

Civil Procedure – Interim Maintenance and Litigation Cost – Petition Filed but Not Adjudicated – Held, Violative of Right to Equal Opportunity. Paras 11–13: Petition for interim relief filed as early as 2014 was neither accepted nor rejected by the Family Court. This omission contributed to procedural imbalance.

Remand – Divorce Decree Set Aside – Matter Remanded for Fresh Consideration After Deciding Pending Applications. Paras 14–15: Judgment and decree dated 03.02.2018 set aside.

Case remanded with direction to decide pending interim relief and recall petitions first, followed by fresh hearing and judgment within six months.

Case Law Cited

No specific precedents cited in judgment

List of Acts

Hindu Marriage Act, 1955 – Section 13(1)(i-a); Code of Civil Procedure, 1908 – Principles of Natural Justice

List of Keywords

Cruelty; Desertion; Divorce; Interim Maintenance; Recall Petition; Cross-Examination; Matrimonial Dispute; Family Court Procedure; Procedural Lapse; Natural Justice

Case Arising From

Appeal against judgment dated 03.02.2018 passed in Matrimonial Case No. 5319 of 2014 by Principal Judge, Family Court, Patna granting divorce under Section 13(1)(i-a) of the Hindu Marriage Act, 1955.

Appearances for Parties

For the Appellant/s : Mr. Satyabir Bharti, Sr. Advocate; Ms. Kanupriya, Advocate; Mr. Abhishek Anand, Advocate

For the Respondent/s : Mr. Vivek Prasad, Advocate; Ms. Y. Madhavi, Advocate; Ms. Supragya, Advocate

Headnotes prepared by the Reporter : Ms. Akanksha Malviya, Advocate

Judgment/Order of the Hon'ble Patna High Court

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.157 of 2018

Vinita Sinha, wife of Sri Ravish Ranjan, daughter of Diwakar Prasad, resident of Mohalla- Kila Guphapar, Bihar Sharif, P.S.- Town Police Station, District- Nalanda.

... .. Appellant/s

Versus

Ravish Ranjan, son of Sri Ram Naresh Prasad, resident of House No. 25, S.B.I. Officer Colony No. 03, Ambedkar Path, P.S. Rupaspur, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Satyabir Bharti, Sr. Advocate Ms. Kanupriya, Advocate Mr. Abhishek Anand, Advocate
For the Respondent/s	:	Mr. Vivek Prasad, Advocate Ms. Y. Madhavi, Advocate Ms. Supragya, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
And
HONOURABLE MR. JUSTICE S. B. PD. SINGH
CAV JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. B. PD. SINGH)

Date : 23-06-2025

Heard the parties.

2. The appellant-wife (Vinita Sinha) has come up in this appeal against judgment and decree dated 03.02.2018 passed by the learned Principal Judge, Family Court, Patna in Matrimonial Case No. 5319 of 2014, whereby the petition filed by the respondent-husband (Ravish Ranjan) under Section 13(1)(i-a) of the Hindu



Marriage Act, 1955 (in short 'the 1955 Act') seeking dissolution of marriage by a decree of divorce, has been allowed and divorce stood granted.

3. Succinctly, the marriage of appellant-Vinita Sinha was solemnized with respondent-Ravish Ranjan on 28th June, 2012 as per Hindu rites and ceremonies. The marriage was duly consummated; however, no child was born from the wedlock.

4. The pleaded case of respondent-husband in his petition under Section 13 (1)(i-a) of the 1955 Act was that petitioner is an Assistant Commandant in C.R.P.F. The marriage with the appellant was arranged one and there was no exchange of dowry and the marriage had taken place in a very simple manner. The respondent, just after marriage, found that the attitude and behaviour of the appellant is very rigid, indifferent and passive towards her husband, mother-in-law, father-in-law and other in-laws members and her behaviour towards them was not only cruel but also painful. The respondent did care of every need and requirements of the opposite party but she always made ugly scene by using filthy and abusive



language against the respondent and his parents without rhyme and reason. After passage of time, appellant insisted to continue her study at New Delhi. Ultimately, the respondent arranged her stay at New Delhi to complete her study and borne all her expenses. After returning from Delhi, she immediately took admission in July, 2013 for M.Tech in ISM Dhanbad where she got hostel facility from the said institute and presently she is continuing her study there. The appellant has completely failed to discharge her matrimonial obligation towards her husband and other in-laws members. The actions/misdeeds of the appellant have caused great torture and harassment in the mind of the respondent. The appellant has repeatedly voiced that she has no interest in leading conjugal life with the respondent, rather she wants to break all sorts of relation with him. This causes enormous pain and grief in the mind of the respondent and he found that in spite of giving best possible love and affection, there was no change in her behaviour towards him, his parents, relations and friends. The appellant always avoided to make physical relation with the



respondent which is nothing but a grave cruelty with the respondent. The appellant has left the society and company of the respondent and went to her Maiké at Biharsharif on 23.04.2014. The matrimonial relation between the appellant and respondent has already irretrievably broken down and there is no hope of restoration of their conjugal life.

5. The appellant-wife appeared and filed her written statement and has submitted that the instant case is fit to be dismissed as it is not maintainable either in eye of law or on fact. The appellant-wife has submitted that after marriage, she went to her *Sasural* but all the hope become painful on just 2nd day of marriage when she saw that in-laws family members are not happy with the utensils, gift items and cash. It is further submitted that as per instruction of her husband, she stayed with her in-laws. The respondent-husband is Assistant Commandant in C.R.P.F and appellant-wife is also a Graduate Engineer. She had never used any type of ugly words or abuses her mother and father-in-law and she never shown any type of dis-respect to any member of her in-laws family. The



appellant-wife always wants to live with her in-laws and husband and at their insistence, she continued her further study. On 18 March, 2014, she was brutally beaten by her husband(respondent), sister-in-law and father-in-law and thereafter she was thrown on the Bye Pass road at Biharshariff alone, but she had not complained to the police nor before any court of law as she was hopeful for restitution of conjugal life. The appellant had never given threat, not ill behaved, humiliated or quarreled with any in-laws family members and all the allegations made against the appellant-wife are fake with a view to take divorce from her. Hence, the divorce petition is liable to be dismissed.

6. According to the respondent, the appellant started pressurizing him for a separate house; and she used to misbehave with his parents and she always used to abuse them even in the presence of relatives. It was stated that the appellant left respondent-husband on 23.04.2014 and after three years of separation, she had dragged the respondent and his parents in false case of dowry and cruelty. FIR No. 242 dated 22.07.2016 was registered and



the respondent-husband and his mother were charge-sheeted under Sections 498-A, 406, 323 and 506 read with Section 34 of the Penal Code, 1860; however, both of them were acquitted by the Court vide judgment dated 16.12.2019. It was further stated that the appellant-wife also filed a petition under Section 125 of the Code of Criminal Procedure and a complaint under Section 12 of the Protection of the Women from Domestic Violence Act, 2005 with false allegations against them. It was averred by the respondent-husband that all efforts to reconcile the disputes had turned futile. It is further stated that the acts of cruelty had not been condoned by respondent-husband and it had become Impossible to live with the appellant.

7. After framing of the issue and material evidences available on record, learned Principal Judge, Family Court, Patna held that the appellant-wife has treated her husband with mental cruelty. Accordingly the suit has been decreed on contest under Sections 13 (1) (i-a) of the Act and accordingly the marriage solemnized on 28.06.2012 between the parties was dissolved on the ground of cruelty and desertion. The appellant-wife,



aggrieved by the said judgment of the learned Family Court filed the instant appeal before this Court.

8. Learned counsel for the appellant-wife submits that the learned Family Court has erred in law and facts both in allowing the divorce petition filed by the respondent-husband. Learned counsel has further submitted that the divorce petition has wrongly been allowed on the ground of cruelty, rather the appellant-wife had been treated with cruelty at her matrimonial home and she had only availed her legal remedies by filing cases as regards the cruelty meted out to her and also as regards the demand of dowry by the respondent-husband and his family members, however the same have been wrongly taken against the appellant. It is further submitted that the Family Court has wrongly concluded that the appellant had deserted the respondent-husband, whereas it was the respondent, who had compelled the appellant-wife to leave her matrimonial home.

9. During the course of argument, learned counsel for the appellant-wife has stated that virtually this matrimonial suit has been decided *ex-parte* and no



opportunity was given to the appellant-wife to cross-examine the evidences adduced on behalf of the respondent-husband. Learned counsel also argued that appellant-wife was neither awarded any interim maintenance nor any litigation cost despite a petition filed on behalf of appellant-wife.

10. It is further submitted that no efforts were made by the Family Court to reconcile the matter between the parties and no permanent alimony was decided. It is therefore contended that the findings returned by the Family Court are not sustainable in the eyes of law.

11. We have heard learned counsel for the appellant and perused the concerned record of Family Court as well as the impugned judgment. We find that after issuance of summons, the appellant-wife appeared on 24.07.2014 and filed her written statement on 03.12.2024. Thereafter, a petition was filed on behalf of the appellant-wife on 19.12.2014 praying for interim maintenance and litigation cost as per Hindu Marriage Act which has neither been allowed nor rejected, rather it is remained unadjudicated. The record shows that without awarding any



interim maintenance or litigation cost, the respondent-husband has been allowed to adduce his evidence and after completion of all the witnesses, the evidence of respondent-husband was closed on 10.08.2017. Subsequently, due to non-representation of appellant-wife or her advocate, her evidence was closed on 17.10.2017 and subsequently argument was commenced on 02.11.2017.

12. The record further shows that during that period, on 14.11.2017, a petition was filed on behalf of the appellant-wife to recall the witnesses of respondent-husband for the purpose of cross-examination which has also not been decided and lastly the judgment was passed on 03.02.2018.

13. After going through the above factual matrix of this case, it appears that appellant-wife has been highly prejudiced due to non-adjudication of her petition of interim maintenance and litigation cost dated 19.12.2014 as well as recall petition for the purpose of cross-examination of respondent-husband witnesses. So, it appears that at the time of judgment, the record was not



fully matured/prepared due to non-adjudication of petition dated 19.12.2014 and 14.11.2017 filed on behalf of the appellant-wife. In that view of the matter, if the judgment and decree of learned Principal Judge, Family Court is allowed to be effective and operative, it will cause prejudice to the appellant-wife to a great extent because for proper and complete adjudication of matter in issue, the evidences of both parties are required to come on record.

14. Accordingly, the judgment and decree dated 03.02.2018 passed by the learned Principal Judge, Family Court, Patna in Matrimonial Case No. 5319 of 2014 is set aside.

15. The matter is remanded back to the Principal Judge, Family Court, Patna to first decide the petitions of the appellant-wife filed on 19.12.2014 for grant of interim maintenance and litigation cost and also the petition filed on 14.11.2017 praying for recall of the witnesses adduced on behalf of respondent-husband after hearing both the parties within a period of two months and thereafter decide Matrimonial Case No. 5319 of 2014 filed on behalf



of respondent-husband praying for annulment of marriage after granting equal opportunity to both the parties within a period of six months from the date of receipt of a copy of this order. Parties are directed to co-operate in the matter.

16. Pending I.A(s), if any, stand disposed of.

(S. B. Pd. Singh, J)

(P. B. Bajanthri, J)

Shageer/-

AFR/NAFR	AFR
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