

Dhirendra Bahadur Singh, Principal Judge,
Family Court, Gopalganj
Matrimonial Case No. - 91/2025
Sumit Pratap Singh vs. Sunita Singh
Date of Order- 22.07.2026

**IN THE COURT OF PRINCIPAL JUDGE, FAMILY COURT,
GOPALGANJ.**

Matrimonial Case No. 91/2025
u/s 13 of Hindu Marriage Act, 1955

Sumit Pratap Singh.....applicant.

vs.

Sunita Singh.....O.P.

Ld. Counsel for the applicant : Sri Rajeshwar Tiwari
Ld. Counsel for the O.P. : Sri Prakash Pandey

Present :-

Dhirendra Bahadur Singh.
Principal Judge, Family Court.
Gopalganj.
Date of order - 22.07.2026

ORDER

- 22.07.2026:**
1. Applicant is present in the court on call. No one turned up on behalf of respondent on repeated call. A time petition has been filed on behalf of respondent. Case is fixed for hearing on recall petition filed on behalf of respondent.
 2. Heard.
 3. A recall petition has been filed on behalf of applicant on 04.04.2026. It has been submitted in recall petition that date was fixed on 09.03.2026 for appearance of respondent in this court but she could not appear due to her illness and next date was fixed on 10.03.2026 and the case proceeded ex-parte on the same day. The respondent never made any intentional mistake and it is essential for the ends of justice to recall the ex-parte order dated 10.03.2026. Hence prayed to allow the recall petition.

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4. It has been submitted on behalf of applicant that the respondent is in habit to torture him by abusing the process of law as his brother is a practicing Advocate and her father is a hard litigant. The applicant is unemployed and he lost his job due to filing of several cases by the respondent against the applicant including false criminal cases and maintenance cases. He further submitted that even after getting full information and copy of the plaint, the respondent deliberately avoided her appearance and her learned counsel had been watching the proceeding regularly and when the case proceeded ex-parte, respondent appeared and filed the recall petition on the pretext of her illness but she has not filed a chit of paper regarding her illness and it is the fact that she is working is Sadar Hospital, Gopalganj having monthly salary of Rs. Twenty Five thousand. Hence prayed to dismiss the petition for recall.

5. Having heard the submission and from perusal of case record it appears that the present case has been filed on 29.05.2025 and the same has been admitted on 07.06.2025. Notices have been sent thrice to the respondent but she never appeared even after providing information regarding her appearance in the court by way of mobile phone. The respondent appeared in the case just after the case proceeded ex-parte vide order dated 10.03.2026. It is also apparent from the material available on record including the affidavit regarding assets and liabilities filed on behalf of applicant that his monthly income is Rs. Five thousand whereas monthly income of respondent is Rs. Twenty Five thousand.

6. Considering aforesaid facts and circumstances, the petition dated 04.04.2026 filed on behalf of respondent is hereby allowed at

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the cost of Rs. Twenty Five thousand which will be payable in five monthly installments of Rs. Five thousand. The W.S. filed on behalf of respondent will be accepted after payment of first installment of the cost and the order will come into effect only after payment of first installment.

Put up this case on 11.08.2026 for payment of cost and filing of W.S. on behalf of respondent. In case of default by the respondent, the case will proceed ex-parte.

Dictated

P.J

Date of order	
Date of upload	
Order reserved on	
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