

IN THE HIGH COURT OF JHARKHAND AT RANCHI**F.A. No.31 of 2022**

Mrs. Radhika Kumari, aged about 26 years, wife of Sri Vimlesh Kumar, Daughter of Sri Ashok Singh, Resident of Village + P.O.- Cahndi, P.S.- Akhodhi Gola, District-Rohtas, Bihar ... **Appellant**

Versus

Vimlesh Kumar, aged about 32 years, son of Sri Jawahar Lal Singh, Resident of House No.1366, Budha Nagar, Telidih, Chas, Bokaro, P.O. and P.S.-Chas, District-Bokaro, Jharkhand ... **Respondent**

**Coram: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE ARUN KUMAR RAI**

For the Appellant : Mrs. Arya Gautam, *Amicus Curiae*
For the Respondent : Mr. Shubham Srivatsa, Advocate

Order No.11/Dated: 20.02.2026

1. This appeal is under Section 19(1) of the Family Courts Act, 1984 directed against the judgment dated 07.04.2022 and decree dated 12.04.2022 passed by the learned Principal Judge, Family Court, Bokaro in Original Suit No. 352 of 2021, by which the marriage of the appellant with the respondent has been dissolved.
2. The ground as has been taken in the instant appeal assailing the impugned judgment is primarily the judgment being an ex-parte.
3. The learned counsel appearing for the respondent-husband although has tried to defend the judgment impugned by saying that all efforts have been taken by the learned Principal Judge, Family Court, Bokaro for securing her appearance, but even then, she has not appeared in the proceeding, and as such, the learned Family Court having no option but to proceed by

holding an ex-parte proceeding and thereafter the impugned judgment has been passed.

4. We have called for the trial court record and admitted the matter for final hearing.

5. This Court, in the midst of hearing, has confronted with the situation that the counsel who was appearing for the appellant-wife namely, Mr. Pravin Kumar Pandey has been reported to be dead. Thereafter, the matter has been posted on 17.12.2025 and 19.01.2026, showing non-appearance on behalf of the appellant-wife.

6. This Court having no option rather than to appoint an *Amicus Curiae* and, accordingly, Mrs. Arya Gautam, learned counsel, has been appointed as *Amicus Curiae* to assist this Court vide order dated 19.01.2026.

7. The learned *Amicus Curiae* having faced with some difficulty in getting instruction from the appellant-wife, which has been disclosed by her before this Court on 03.02.2026 and thus, this Court has passed an order directing the Jharkhand State Legal Services Authority (JHALSA) to have contact with the District Legal Services Authority (D.L.S.A), Rohtas (Bihar), as per the district referred in the address of the appellant-wife with a direction upon the learned Member Secretary, JHALSA to communicate about this pending proceeding to the appellant-wife and to submit a report through the learned *Amicus Curiae*, for ready reference, the order dated 03.02.2026 is being referred hereunder:-

1. Mrs. Arya Gautam, learned counsel, has been appointed as *Amicus* to assist the Court for the reason as referred in the order dated 19.01.2026, for ready reference, the same is being referred as under:-

“1. This appeal arises out of a matrimonial dispute, wherein the judgment and decree for

dissolution of marriage have been passed vide the impugned judgment and decree dated 07.04.2022 and 12.04.2022, respectively.

2. It appears from the record that the case of the appellant was being represented by Mr. Pravin Kumar Pandey, learned counsel, who is now no more. Thereafter, there has been no appearance on behalf of the appellant.

3. As such, this Court thought it proper to appoint Amicus Curiae to assist this Court in the present matter.

4. Mrs. Arya Gautam, learned counsel, has been requested to assist this Court as Amicus Curiae in the present appeal.

5. Office is directed to supply the paper book to Mrs. Arya Gautam, learned counsel, by next Monday.

6. Let the name of Mrs. Arya Gautam, learned counsel, be reflected in the daily cause list as Amicus Curiae.

7. Mr. Sahil, learned counsel appearing for the respondent husband, has submitted that he may also be permitted to file an application for obtaining a copy of the trial court records.

8. Leave, as sought for, is allowed.

9. Office is directed to act upon any requisition made for obtaining the trial court records, in accordance with law.

10. Accordingly, let this matter be listed on 03rd February, 2026."

2. She has submitted that she has tried her level best to get the communication to the appellant-wife but she failed. However, he has given suggestion that the instruction is required in the present case and as such, services of the Jharkhand State Legal Services Authority if will be taken, then, the matter could be sorted out, so far as the issue of instruction from the appellant-wife is concerned.
3. This Court has considered such suggestion fit to be accepted, according, is being accepted with a direction upon the learned Member Secretary, JHALSA to communicate about the pending proceedings to the appellant-wife, namely, Mrs. Radhika Kumari who is now residing in the District of Rohtas (Bihar), P.O. Cahndi, P.S. Akhudhi Gola.
4. Accordingly, the matter is being deferred to be posted on 20.02.2026, so that in the meanwhile, learned Member Secretary, JHALSA will furnish the required information through the learned Amicus Curiae.

5. List this matter on 20.02.2026.
6. Let the copy of this order be communicated forthwith to the learned Member Secretary, JHALSA.
8. Report from the JHALSA has been received, which has been placed by learned *Amicus Curiae* by referring the service report dated 18.02.2026 and as per the disclosure made by the father of the appellant-wife who has received the notice, one endorsement has been made that the appellant-wife has solemnized marriage four years ago with one Sujit Kumar.
9. Admittedly, the ground for assailing the impugned judgment is the proceeding being an ex-parte, which has been hold by the learned Principal Judge, Family Court, Bokaro.
10. Although we have called for the trial court record to appreciate the ground which has been taken in assailing the impugned judgment, but even after service of notice through the D.L.S.A, Rohtas, received by the father of the appellant-wife, who has informed that the appellant-wife has already solemnized marriage with one Sujit Kumar, which suggest that the appellant-wife is now leading a married life.
11. This Court, considering the peculiar facts of the present case, as the appellant-wife has already solemnized marriage, is of the view that it will not be proper for this Court to interfere with the impugned judgment of dissolution of marriage in between the appellant-wife and the respondent-husband.
12. Accordingly, the instant appeal fails and is hereby dismissed.
13. The efforts taken by the learned *Amicus Curiae* is being appreciated.

14. The learned Member Secretary, JHALSA is directed to reimburse the admissible fees to the learned *Amicus Curiae*.

(Sujit Narayan Prasad, J.)

(Arun Kumar Rai, J.)

20th February, 2026
R.K/Rajnish