

HIGH COURT OF CHHATTISGARH, BILASPUR

FAM No. 57 of 2015

1. Saroj Kumar Bos S/o Late Shri B.N. Bos, aged about 69 years, R/o 7/60, Virsa Nagar, Nildi, P.S. Telko, Jamshedpur, (Jharkhand)

---- Appellant

Versus

1. Smt. Madhulika Bos, W/O Saroj Kumar Bos, aged about 47 Years, R/o Parijat 13, Raj Kishore Nagar, P.S. Sarkanda, District- Bilaspur, Chhattisgarh

---- Respondent

For appellant : Mr. Yogesh Chandra, Advocate

Hon'ble Shri Justice T. P. Sharma
Hon'ble Shri Justice Inder Singh Uboweja

Order On Board by T.P.Sharma, J.

08/05/2015

This is an appeal filed under Section 19 (1) of the Family Courts Act against the order dated 29.11.2014 passed by the Judge, Family Court, Bilaspur, in Civil Suit No. 4-A/2014 whereby the trial Court has dismissed the suit for grant of decree of divorce filed on behalf of appellant on the ground that appellant does not want to prosecute the same.

2. Present appeal has been filed after delay of 114 days of its limitation.
3. Heard on I.A.No. 01 for condonation of delay in filing the appeal and also on admission.
4. Order dated 29.11.2014 itself is specific and unambiguous and clearly reveals that the appellant himself has submitted before the Court below that he does not want to prosecute the petition for grant of decree of divorce, and therefore, the petition was dismissed by the trial Court as such. Even otherwise, the appellant has failed to explain the delay in filing the appeal.

5. Consequently, I.A.No.01 for condonation of delay is liable to be and is hereby dismissed.

6. We do not also find any merit in the appeal. Accordingly, the appeal is dismissed as barred by limitation.

(T.P.Sharma)
JUDGE

(I.S.Uboweja)
JUDGE

Anjani