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HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 529 OF 2015**

Mahesh Dubey son of Jagdish Prasad Dubey, aged about 48 years, Occupation Service (Driver Irrigation Department), resident Village Khamha, Post-Lohi, Tahsil Hujur, District Reeva (M.P.), at present resident of Bansagar Irrigation Department Colony, Reeva, Post-Reeva, Tahsil-Reeva, District Reeva (M.P.).

---Applicant**Versus**

Smt. Sharda Dubey wife of Mahesh Dubey, aged about 46 years, resident of Village Lakhanpur, Police Station and Tahsil Lakhanpur, District Surguja (C.G.)

---Non-applicant

For Applicant : Mr. Rahul Mishra, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****08/07/2015**

1. Learned counsel for the applicant would submit that Family Court has rejected his application filed under Section 126(2) of the Cr.P.C. for setting aside *ex parte* order dated 08/08/2011 on the ground that application for condonation of delay was not filed after dismissal of revision petition by this Court. He would further submit that applicant be permitted to withdraw the criminal revision with liberty to file an application for condonation of delay in filing application.

2. Accordingly, criminal revision is dismissed as withdrawn with liberty to file an application for condonation of delay. If such an application is filed, Family Court is free to proceed in accordance with law. However, liberty is reserved in favour of the non-applicant to make an application for modification

of this order, if non-applicant feels aggrieved by it.

Tiwari

Sd/-
(Sanjay K. Agrawal)
JUDGE