

HIGH COURT OF CHHATTISGARH, BILASPUR**FIRST APPEAL (MISC.) NO. 170 OF 2015**

Rajesh Panjwani, S/o Late Shri Thakur Prasad Panjwani, age 47 years, R/o Street No. 12, Shanti Nagar, House No. 823, Bhilai, Tahsil & Distt. Durg (C.G.)

... Appellant

Versus

Smt. Sapna Panjwani, W/o Rajesh Panjwani, age 46 years, R/o Street No. 12, Shanti Nagar, House No. 823, Bhilai, Tahsil & District Durg (C.G.)

... Respondent

For Appellant	:	Mr. Amiyakant Tiwari, Advocate.
For Respondent	:	Mrs. Renu Kochar, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Judgement on Board

Per NAVIN SINHA, C.J.

14/01/2016

1. The present appeal arises from order dated 17.7.2015 rejecting Miscellaneous Civil Case No. 38 of 2014 seeking restoration of Civil Suit No. 240-A of 2012 filed by the Appellant seeking divorce under Section 13 of the Hindu Marriage Act from the Respondent.
2. We have heard Counsel for the parties and are satisfied that dismissal of the suit for non-appearance on a single date was not justified in law and in public policy. Additionally, the Appellant had also taken a defence that he was preoccupied the same date in another case filed by the Respondent under the Domestic Violence Act, a fact not disputed by the Counsel for the Respondent.
3. The order dated 17.7.2015 in Miscellaneous Civil Case No. 38 of 2014 is set aside and Civil Suit No. 240-A of 2012 is restored to file on merits for disposal in accordance with law.
4. The appeal is allowed.

Sd/-
(Navin Sinha)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge