

HIGH COURT OF CHHATTISGARH, BILASPUR**SA No. 518 of 2016**

- Nand Kishore S/o Late Shri Pyarelal, Aged About 71 Years Caste- Chandra, R/o C.M.I.G. 40 Nehru Nagar Korba, District Korba, Chhattisgarh(Defendant No.1)

---- Appellant**Versus**

1. Smt. Chanchala Lal W/o Late Shri Ashvani Kumar Lal, Caste Chandra, R/o Village Birra, Tahsil Champa, District Janjgir-Champa, Chhattisgarh(Plaintiff)
2. Rajesh Kumar S/o Nand Kishore, Aged About 38 Years Caste- Chandra, Present Address- M.I.G. 40 Nehru Nagar Near Budhwari Bazar, Tahsil & District Korba, Chhattisgarh
3. Pradeep Kumar S/o Nand Kishore, Aged About 36 Years Caste- Chandra, Present Address- M.I.G. 40 Nehru Nagar Near Budhwari Bazar, Tahsil & District Korba, Chhattisgarh
4. State Of Chhattisgarh, Through Collector Janjgir, District Janjgir-Champa, Chhattisgarh(Defendant No.2 To 4)

---- Respondents

For Appellant	:	Shri Sanjay Patel, Advocate along with appellant.
For Respondents	:	None

Hon'ble Shri Justice Pritinker Diwaker**Order on Board.****10.01.2017**

Counsel for the appellant submits that as the appellant failed to appear before the First Appellate Court on 21.09.2016, his appeal was dismissed for want of prosecution. He also submits that the appellant may be permitted to withdraw this appeal with liberty to file appropriate application before the Court below concerned.

In view of the above, the appeal is dismissed as withdrawn reserving aforesaid liberty.

Needless to state that if any application along with application for condonation of delay is filed before the Court below, the same shall be decided by the concerned Court in accordance with law keeping the fact in mind that parties should not suffer any irreparable loss.

Certified copy of order **(Annexure A-2)** be returned to counsel for the appellant after submitting photostate copy of the same.

Sd/-

(Pritinker Diwaker)
JUDGE

Vijay