

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**FAM No. 108 of 2018**

Smt. Shobha Gupta W/o Virendra Gupta Aged About 30 Years D/o Shri Kailash Chaudhary, R/o Village Bantariya, Tahsil And Police Station Basiya District Gumla (Jharkhand), District : Gumla, Jharkhand

**---- Appellant**

**Versus**

Virendra Kumat Gupta S/o Shri Ramjeevan Sao Aged About 40 Years R/o Near Primary School Jagatpur, Raigarh, District Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh

**---- Respondent**

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For the Appellant                    :-        Mr. Vineet Kumar Pandey

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**Hon'ble Shri Justice Prashant Kumar Mishra**

**Hon'ble Shri Justice Ram Prasanna Sharma**

**Order on Board By**

**Prashant Kumar Mishra, J.**

**18. 05. 2018**

1.        Having gone through the order sheet recorded by the family Court on 07.04.2018 and 23.04.2018, it appears when the appellant's application under 24 of the Hindu Marriage Act, 1955 has been dismissed for want of prosecution on 23.04.2018, that was not the date fixed for hearing of the application. As a matter of fact, the application was posted for argument on 22.4.2018 but since that day was declared holiday, the matter was taken on 23.4.2018.
3.        Considering the entire facts situation of the case, and for the reason that the application has been dismissed for want of prosecution, the appeal is allowed at the admission stage itself; the order dated 23.04.2018 passed by the family Court is set aside and the matter is

remitted back to the family Court for deciding the appellant's application under Section 24 of the Hindu Marriage Act, 1955 on merit.

Sd/-  
Judge

**Prashant Kumar Mishra**

Sd/-  
Judge

**Ram Prasanna Sharma**

Santsoh