

HIGH COURT OF CHHATTISGARH, BILASPUR
FAM No. 4 of 2017

- Smt. Nirja Patel W/o Sanjay Rathore, D/o Puranjan Singh Patel, Caste Aghariya, R/o Village Kirari D, Tahsil Dabhara, District Janjgir-Champa, Chhattisgarh, Posted As Shiksha Karmi Grade- III, Baniyadih Ponsara, P.S. Koni, Tahsil And District Bilaspur, Chhattisgarh. **---- Appellant**

Versus

- Sanjay Rathore S/o Manharan Lal Rathore, Aged About 25 Years R/o Chandaniya Para Janjgir, District Janjgir-Champa, Chhattisgarh, Posted As Shiksha Karmi Grade-02, Village Palari-Khurd, P.S. Baradwar, Tahsil Sakti, District Janjgir-Champa, Chhattisgarh. **--- Respondent**

For Appellant : Ms. Rashmi Sen, Advocate

For Respondent : Shri Sumit Singh, Advocate

D.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Vimla Singh Kapoor
Order on Board

Per Manindra Mohan Shrivastava

15/10/2019

This case is listed on default, as paper book has not been filed.

Learned counsel for the appellant submits that despite repeated communication no instructions are being received.

This is an appeal against *ex-parte* judgment decree passed against the appellant. As the appellant pleads no instructions, this appeal is dismissed for want of prosecution. It is made clear that order shall not come in the way of the appellant in applying for setting aside *ex-parte* judgment and decree, which is impugned in this appeal and for the purpose of limitation the appellant would be entitled to benefits available to him under the law as provided under Section 14 of the Limitation Act.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge