

HIGH COURT OF CHHATTISGARH, BILASPUR

FAM No. 155 of 2018

- Smt. Madhubala Dewangan W/o D.P. Dewangan Aged About 42 Years R/o Village- Charbhata, Post- Chimiri, Village Chichola, District- Rajnandgaon, Chhattisgarh

---- Appellant

Versus

- D. P. Dewangan S/o Lakhanlal Dewangan Aged About 52 Years Present Add- S.B.I. Colony, Dharampura, Quarter No. 03, Jagdalpur, District- Bastar, Chhattisgarh

---- Respondent

For Applicant	: Shri Hemant Gupta, Advocate
For Respondent	: Shri Pravin Kumar Tulsyan, Advocate

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Judgment On Board by Hon'ble Shri Justice Manindra Mohan Shrivastava

05/04/2019

1. Heard on application for condonation of delay in filing the appeal.
2. Learned counsel for the appellant would submit that the appeal could not be filed within the period of limitation and there was delay of 1 ½ years because the appellant had no knowledge of the ex-parte judgment of decree passed against her. He would submit that it was only through the message sent by the lawyer of the Court below, the appellant came to know about the passing of impugned judgment and decree dated 28.02.2017.
3. We have gone through the application for condonation of delay.
4. Earlier an extremely vague application was filed and the appellant was granted time to file better application.

5. After going through the application, we find that it is quite vague and the delay sought to be explained by stating that through the whatsapp message of the counsel, the appellant came to know about the ex-parte judgment and decree, and it is mentioned in the judgment and decree that the copy was sent to the appellant also, from the Court. There is no averment that she did not receive the copy of judgment which is sent by the Court. The certified copy shows that it was supplied much earlier.
6. The delay is too long and we do not find any sufficient ground to condone the delay.
7. Accordingly, application for condonation of delay is rejected and FAM No.155/2018 is accordingly dismissed.
8. This order shall not come in the way of the appellant in taking recourse to remedy of filing application for setting aside ex-parte decree.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge