

HIGH COURT OF CHHATTISGARH, BILASPUR
FAM No. 241 of 2019

- Mahavir S/o Late Ramsundar Aged About 30 Years R/o Village - Gidhadand, Mouhar Dafai, Post - South Jhagrakhand, Tahsil - Manendragarh, District Korea Chhattisgarh. **---- Appellant**

Versus

1. Sukhmanti D/o Shri Ramlal Aged About 42 Years W/o Shri Arjun, R/o Ward No. 03, Village - Narayanpur, Police Station - Jhagrakhand, Tahsil - Manendragarh, District - Korea, Chhattisgarh.
2. South Eastern Coalfield Ltd. Through - President / Sub - Branch Director, Sipat Road, Bilaspur, Chhattisgarh.
3. South Eastern Coalfield Ltd. Through - Chief General Manager, South Jhagrakhand Colliery Hasdev Area, Tahsil - Manendragarh, District - Korea Chhattisgarh.
4. Chief Personal Manager, North Jhagrakhand Colliery (Bisim) Tahsil - Manendragarh, District - Korea Chhattisgarh.
5. Manager, North Jhagrakhand Colliery, Khongapani, Tahsil - Manendragarh, District - Korea Chhattisgarh.
6. Area Commissioner, Koyla Khan Bhavishya Nidhi, Sipat Road, Bilaspur District - Bilaspur Chhattisgarh.
7. Branch Manager, Central Bank Of India, Branch - South Jhagrakhand Colliery, District - Korea Chhattisgarh.
8. Ramlal S/o Sumrekh Aged About 60 Years R/o Village - Gidhadand, Mouhar Dafai, Post - South Jhagrakhand, Tahsil - Manendragarh, District - Korea Chhattisgarh. **--- Respondents**

For Appellant	: Shri V.C. Ottalwar, Advocate with Shri Ramsajiwan, Advocate
For Respondent No.1	: Shri Parag Kotecha, Advocate
For Respondents No.2 to 5:	Shri Ritesh Giri, Advocate
For Respondent No.6	: Shri Raj Kumar Gupta, Advocate

D.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

Per Manindra Mohan Shrivastava

21/10/2019

At the outset learned counsel for the appellant would submit that this appeal has been filed against *ex-parte* judgment and decree. Upon consideration of the matter, it is submitted that the appellant

seeks to first avail the remedy of setting aside *ex-parte* decree, before assailing the judgment on its own merits.

In view of the said prayer, we are inclined to allow the appellant to withdraw the appeal with liberty to take recourse to the remedy of filing application for setting aside *ex-parte* decree on such grounds as may be available to him under the law.

Certified copy of the impugned order be returned after retaining photocopy.

It is made clear that the period during which this appeal remained pending before this Court can be claimed for exclusion in view of provision contained Section 14 of the Limitation Act.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge