

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**FAM No. 270 of 2019**

- Subhash Pandey S/o Late Shri Chandrika Prasad Pandey Aged About 30 Years R/o Rajmahal Chowk, Kawardha, Police Station And Tahsil Kawardha, District Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Appellant

Versus

- Smt. Soni Tiwari W/o Shri Subhash Pandey Aged About 26 Years R/o Rajmahal Chowk, Kawardha, Police Station And Tahsil Kawardha, District Kabirdham, Chhattisgarh, Present Address Raj Family Ward No. 04 Khairagarh, Police Station And Tahsil Khairagarh, District Rajnandgaon, Chhattisgarh.

--- Respondent

For Appellant : Mr. Rajbahadur Singh, Advocate with Mr. Vivek Tripathi, Advocate.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Vimla Singh Kapoor****Order On Board****17/12/2019**

Heard.

1. There is delay in filing this appeal. One of the main cause for delay in filing this appeal is that earlier a revision petition was filed which had remained pending for one year and it was permitted to be withdrawn. Even then, the appeal is barred by more than 100 days. In that view of the matter, this warrants dismissal of the appeal on the ground of delay itself.
2. Otherwise also, we find that present appeal is against an order setting aside ex-parte decree of divorce against wife. The Court below, in the impugned order, has clearly recorded that the wife could not appear in the proceedings because of illness which is supported by medical certificate. In view of the above, we are not inclined to interfere with the matter on merits also.

3. The appeal is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge

Ravi