

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRR No. 1090 of 2019**

- Prabhat Kumar Dodeja S/o Kundan Kumar Dodeja, aged about 31 years, R/o Shiv Shakti Chhaya, Hemunagar Bandhwapara, Bilaspur, Tahsil & District Bilaspur (C.G.)

----Petitioner**Versus**

- Smt. Neha Makhija, W/o Prabhat Kumar Dodeja, aged about 29 years, R/o Street No.05, Sindhi Colony, Lalbaag, Tahsil & District Rajnandgaon (C.G.)

---- Respondent

For Petitioner	:	Shri Ravindra Sharma, Adv.
For Respondent	:	None

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17/09/2019**

Heard on admission.

01. Challenge in this revision is to the order dated 26.07.2019 passed by Judge, Family Court, Rajnandgaon, in Case No.53/2019, whereby the learned Family Court has dismissed the application filed under Section 126(2) of Cr.P.C. by the applicant for want of prosecution.

02. Learned counsel for the applicant fairly submits that the applicant filed an application against the order dated 14.08.2018, but the learned trial Court dismissed his

application as he could not attend the Court on 26.07.2019 owing to some personal family problem.

03. Having heard learned counsel for the applicant, having considered the facts and circumstances of the case and further considering the material available on record, this Court is of the opinion that instead of issuing notice to respondent, applicant's application be restored to its original number subject to payment of cost of Rs.5,000/- to the non-applicant (wife). The learned trial Court is directed to decide the applicant's application filed under Section 126(2) of Cr.P.C. on its own merit.

04. With the aforesaid direction, the revision petition stands disposed of at the motion stage itself.

05. The copy of this order be sent to the Court below concerned for information and necessary action.

Sd/-

(Rajani Dubey)
JUDGE