

HIGH COURT OF CHHATTISGARH, BILASPUR

FAM No. 239 of 2018

- Smt. Preeti Satpute W/o Shri Rakesh Satpute Aged About 27 Years, R/o Through, Rajneekant Kothare, Pump House Road, Cauhan Nagar Bhatere Chouki, Word No. 2 Balaghat District-Balaghat, Madhya Pradesh --- **Appellant**

Versus

- Rakesh Satpute S/o Late Krishna Kumar Satpute R/o Near Masjid, Gajinagar Birgaon, P.S. Urla Raipur, Chhattisgarh. ---- **Respondent**

For the appellant	:-	Mr. Amit Kumar, Advocate
For the Respondent	:-	Mr. J. K. Gupta, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Vimla Singh Kapoor,

Order on Board by Justice Manindra Mohan Shrivastava J.

21.10.2019

Heard.

At the outset learned counsel for the appellant submits that as the appellant was not afforded opportunity to examine defence witness because the compromise proceedings were going on, the appellant seeks to apply for setting aside *ex parte* judgment and decree before contesting the matter on merits.

In view of the aforesaid submission, we are inclined to allow the appellant to withdraw the appeal with liberty to file application for setting aside the *ex parte* judgment and decree on such grounds as may be available to her under the law.

The period during which this appeal remained pending before this Court may be claimed for exclusion while computing period of limitation as provided in Section 14 of the Limitation Act.

Records of the Court below be remitted to the Court below.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge

Ajay