

HIGH COURT OF CHHATTISGARH, BILASPUR

FA(MAT) No. 87 of 2020

- Smt. Vijeyata Swarnakar W/o Pradeep Kumar Soni Aged About 34 Years R/o Village Kedia Chowk, Sarangarh, Tahsil Sarangarh, District Raigarh Chhattisgarh. **---- Appellant**

Versus

- Pradeep Kumar Soni S/o Late Manharan Lal Soni, Aged About 36 Years R/o Village Nawapara Tenda, Tahsil Gharghoda, District Raigarh Chhattisgarh Present Address Sub Health Centre Village Bemtatoli, Tahsil Kunkuri, District Jashpur Chhattisgarh. **---- Respondent**

For Appellant : Smt. Madhunisha Singh, Advocate

For Respondent : Shri Arun Shukla, Advocate

**D.B. :Hon'ble Mr. Justice Manindra Mohan Shrivastava &
Hon'ble Mrs. Justice Vimla Singh Kapoor**

Order on Board

20/07/2020

1. Heard.
2. Though, the case is listed for orders on condonation of delay in filing the appeal, faced with the situation that the appellant/wife has suffered an ex-parte decree of divorce, learned counsel for the appellant submits that the appellant is willing to apply for setting aside ex- parte decree by moving appropriate application before the concerned family Court which passed the order.
3. Having considered the submission of learned counsel for the appellant, and the prayer made, we are inclined to allow the appellant to withdraw this appeal with liberty to apply for setting aside ex- parte decree.
4. Learned Counsel for the appellant also submits that till the appellant takes appropriate remedy, the execution of impugned judgment and decree of divorce may be stayed as the respondent may proceed to perform marriage in between.
5. On instructions, Shri Arun Shukla, Counsel for the respondent has stated that, as on today, the respondent has not fixed his marriage with anyone.
6. Taking into consideration the aforesaid submissions, we will only observe

that in case the appellant moves application for setting aside the impugned decree, it would be open for her to apply for stay of execution of ex- parte decree and if such application is filed, the concerned Court shall consider the prayer for ex-parte stay within one week from filling application under Order 9 Rule 13 of C.P.C.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge

Nadim