

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**FA(MAT) No. 120 of 2020**

- Smt. Archana Shukla (Tiwari) W/o Vivek Tiwari Aged About 29 Years R/o Through Mother Usha Devi Shukla, Village Kodikasa, Hospital Colony, Tehsil Aabagarh Chowki, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

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- Vivek Tiwari S/o Shri Harinarayan Tiwari Aged About 28 Years R/o Mogara Bairaj Colony Dongargaon, Tehsil Dongargaon, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

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- Dr. Shailesh Ahuja, Advocate for the appellant.
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D.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Vimla Singh Kapoor****Order on Board****Per Manindra Mohan Shrivastava, J.****10.08.2020**

This appeal has been filed by the appellant assailing illegality and validity of the ex-parte order judgment and decree dated 02.11.2018 as also a subsequent order dated 18.03.2019 passed by which the appellant application for setting aside under Order 9 Rule 13 of the CPC has been dismissed for want of prosecution.

2. After arguing for some time, learned counsel for the appellant seeks to withdraw this appeal with liberty to move appropriate application for recall of order by which application for setting aside ex-parte decree was dismissed for want of prosecution. He would submit that the appellant resides in a naxalite area and there was serious difficulty in appearing before the Court.

3. From the aforesaid observations, we grant the appellant permission to withdraw this appeal with liberty to move an appropriate application for restoration of application under Order 9 Rule 13 of the CPC. It will be open to the appellant to place before the Court, the extraordinary circumstances due to which she could not appear to pursue her application under Order 9 Rule 13 of the CPC. If, such grounds are taken, the learned Family Court shall give due weightage to the same.

4. With the aforesaid observations, the appeal is dismissed as withdrawn.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge