

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**FA(MAT) No. 32 of 2019**

- Smt. Kiran Shrivastava W/o Pawan Kumar Shrivastava (Narayan Shrivastava) Aged About 26 Years R/o House Of Narayan Shrivastava, Police Line Bilaspur, Police Station Police Line Bilaspur, Tahsil Bilaspur, District Bilaspur, Chhattisgarh.

---- Appellant**Versus**

- Pawan Kumar Shrivastava S/o Naubat Ram Shrivastava Aged About 29 Years R/o Quarter Number 652, Gevra Project, Tahsil Katghora, Police Station Deepka, District Korba, Chhattisgarh.

--- Respondent

For Appellant	:	Mr. Roop Naik, Advocate.
For Respondent	:	Mr. J.K. Shastri, Advocate.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Vimla Singh Kapoor****Order On Board****10/08/2020**

Heard.

1. This appeal is directed against ex parte judgment and decree dated 15.03.2019 passed in Civil Suit No.54-A/2017.
2. Learned counsel for the appellant, during arguments, submitted that the grounds which the appellant is raising are such that it requires examination whether the appellant was afforded proper opportunity to lead oral and documentary evidence in the matter. Therefore, learned counsel for the appellant seeks permission of this Court to withdraw this appeal with liberty to apply for setting aside ex parte judgment and decree so that the appellant may get proper opportunity to lead oral and documentary evidence including those documents which she intends to lead before the Appellate Court by application under Order 41 Rule 27 CPC.
3. Having considered the submission of learned counsel for the appellant, we are

inclined to allow the appellant to withdraw this appeal with liberty to apply for setting aside ex parte judgment and decree on such grounds as may be available to her under the law. Certified copy of impugned judgment and decree as well as certified copy of documents filed along with application under Order 41 Rule 27 CPC may be returned after retaining photocopies.

4. It is also made clear that in case appellant seeks condonation of delay in moving application for setting aside ex parte judgment and decree, the Court below shall apply relevant provisions of law of limitation taking into consideration pendency of the appeal before this Court.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge