

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURFA(MAT) No. 52 of 2021

- Smt. Soniya W/o Shri Naveen Kumar Parakh D/o Kranti Kumar Soni Aged About 40 Years R/o Jai Ambe Mobile Shop, Bus Stand Bamhanidih, District Jangjir - Champa Chhattisgarh.

---- Petitioner

Versus

- Naveen Kumar Parakh S/o Shri Madanlal Ji Parakh, Aged About 44 Years R/o House No. 77, Hanuman Nagar, Kalibadi, Raipur, Tahsil And District Raipur Chhattisgarh.

---- Respondents

For Appellant	:	Shri Shiv Kumar Banjare, Advocate
For Respondent	:	Shri Ravindra Sharma, Advocate

Hon'ble Shri Justice Goutam BhaduriHon'ble Smt. Justice Rajani DubeyJudgment on BoardPer Goutam Bhaduri, J.14/12/2021**Heard.**

1. Learned counsel for the appellant would submit that it is a ex-parte decree. After some argument he would submit that he may be given liberty to withdraw this appeal with liberty to file appropriate application under Order 9 rule 13 of CPC before the learned Court below.

2. In view of such submission and after perusal of order sheets, it appears that the issue may require evidence of the parties to advance the cause of justice, therefore on merits liberty is granted to appellant to file appropriate application before the learned Court below within a period of 3 weeks from today.

3. In view of such observation the appeal is disposed off.

4. Registry is directed to return the Certified copy of the order impugned after retaining the photo copy of the same. The appellant shall also be at liberty to file appropriate application before the Court below for condonation of delay which would be considered on its own merits.

Sd/-

(Goutam Bhaduri)

Judge

Sd/-

(Rajani Dubey)

Judge

Jyoti