

**HIGH COURT OF CHHATTISGARH, BILASPUR****FA(MAT) No. 58 of 2021**

- Annapurna Soni D/o Suresh Soni Aged About 28 Years W/o Kishore Soni R/o Ward No. 15, Behind Raghuvir Badi Police Station And Tehsil Bemetara, District Bemetara, Chhattisgarh.

**---- Appellant****Versus**

- Kishore Soni S/o Late Shri Mannala Soni Age About 28 Years, R/o Village Tarenga, P.S. Bhatapara Gramin, Tehsil Bhatapara, District Balodabazar, Chhattisgarh.

**---- Respondent**


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| For Appellant  | : | Shri Vivek Kumar Agrawal, Adv. |
| For Respondent | : | None for the respondent.       |

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**Hon'ble Shri P. Sam Koshy, Judge &**  
**Hon'ble Smt. Rajani Dubey, Judge**

**Order on Board****10/11/2021****Per P. Sam Koshy, Judge.**

1. Being aggrieved by the order (Annexure-P/1) dated 24.09.2021 passed by the Family Court, Balodabazar in HMA No. 51-A of 2020. The present appeal under Section 19 of the Family Court Act has been filed assailing the impugned judgment, whereby the Court below has allowed an application for divorce moved under Section 13 of the Hindu Marriage Act, the order is an ex-parte order.
2. Learned counsel for the appellant along with the memo of appeal has enclosed the photographs to show the reasons which prevented the appellant in appearing before the Court below on the date on which the Family Court has proceeded ex-parte.
3. However, from the perusal of the record it appears that the appellant has not made any efforts or taken steps for getting

the ex-parte order set aside by moving an appropriate application under Order 9 Rule 13 of the C.P.C.

4. Given the fact that no effort has been made in spite of sufficient and cogent grounds available with the appellant which prevented her from appearing before the Court below on the date on which she was proceeded ex-parte. This Court is of the opinion that the appeal as of now would not be sustainable.
5. Reserving the right of the appellant to approach the concerned Court below enabling her to move an appropriate application seeking for setting aside of the ex-parte order. The present appeal at this juncture stands disposed off. Subject to the appellant furnishing a photocopy of the certified copy of the impugned order, the Registry is directed to return the certified copy to the appellant.

Sd/-  
**(P. Sam Koshy)**  
**Judge**

Sd/-  
**(Rajani Dubey)**  
**Judge**