



CGHC010114102024

HIGH COURT OF CHHATTISGARH AT BILASPUR

FA(MAT) No. 120 of 2024

SMT. VARSHA AGRAWAL **versus** KOUSHAL AGRAWAL

Order Sheet

20/07/2026	Mr. Praveen Dhurandhar, counsel for the appellant. Mr. Siddharth Shukla, counsel for the respondent. Ms. Shalini Kashyap, Advocate appears on behalf of Mr. Rahul Tamaskar, Advocate as <i>amicus curiae</i>. Heard on I.A. No.01/2024, application for condonation of delay of 266 days in filing of the appeal. Learned counsel for the appellant submits that the impugned judgment and decree is an ex-parte judgment in which notices were not served upon the appellant/wife and she was not aware of the proceedings before the family Court at Raigarh. Appellant got knowledge when the appellant has received information that respondent is performing second marriage and thereafter, the appellant has obtained the certificate copy of impugned judgment and decree and other relevant documents, thereafter, this appeal was filed. As there was no knowledge of appellant about the pendency of case before the learned family Court against her, there was sufficient cause for the appellant in not filing of this appeal within the period as prescribed. Submission of learned counsel for the appellant is opposed by learned counsel for the respondent and submits that

he has filed the documents along with covering memo, in which the process server has submitted the report that he has served the copy of notice upon appellant therein and it is returned to the Nazir on 15.03.2023.

We have heard counsel for the parties and also peruse the record of trial Court. Learned trial Court in its order sheet dated 15.03.2023 recorded that the defendant therein was sent notice through the registered post which was returned unserved with a note that defendant was given information about the notice through phone, however no one appeared to receive the notice. There is no mention in the order sheet that notice sent to non-applicant through ordinary mode was also served upon the defendant therein.

In the aforementioned facts of the case, we are satisfied that sufficient cause has been shown by the appellant for condoning the delay of 266 days in filing of this appeal. Accordingly, the delay in filing of this appeal is condoned.

The appeal being arguable is admitted for hearing.

Issue notice of this appeal to respondent.

Mr. Siddharth Shukla, accepts notice on behalf of respondent, hence, process fee is not required to be paid.

Counsel for the appellant is directed to file paper book as per Rule 181 of the High Court of Chhattisgarh Rules, 2007 within 8 weeks.

List this case thereafter.

Sd/-

(Parth Prateem Sahu)
Judge

Sd/-

(Sachin Singh Rajput)
Judge