

(2023) 10 RAJ CK 0107

In the Rajasthan High Court

Case No : Writ Contempt Petition No. 1736 Of 2018 in Civil Writ Petition No. 135 Of 2018

Poonam Vyas And Others

APPELLANT

Vs

Anand Kishore Chaturvedi And Others

RESPONDENT

Date of Decision : 30-10-2023

Acts Referred:

Code Of Civil Procedure, 1908 — Order 9 Rule 13

Citation : (2023) 10 RAJ CK 0107

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : Dashrath Singh Rathore, Ramniwas

Final Decision : Dismissed

Judgement

1. This appeal is directed against the judgment & decree dated 07.10.2022 passed by the Additional District Judge, Sumerpur, District Pali, whereby the said Court has passed ex-parte decree dissolving the marriage between the appellant & the respondent.

2. A perusal of the record indicates that against the ex-parte decree, the present appeal has been filed and the plea taken in the appeal essentially is for seeking setting aside the ex-parte decree. For seeking setting aside the ex-parte decree, the appellant is first required to approach the court, which passed the ex-parte decree under Order IX, Rule 13 CPC. The appeal against the judgment & decree dated 07.10.2022 could only be filed on its merit.

3. In view of the above fact situation, learned counsel for the appellant seeks withdrawal of the appeal with liberty to approach the trial court by way of appropriate proceedings including application under Order IX, Rule 13 CPC.

4. Consequently, the appeal filed by the appellant is dismissed as withdrawn with liberty as aforesaid.