



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 1373 of 2016

CNR No. - ODHC010215572016

1.Shree Shree Shadabhuj Nityananda

Mahaprabhu, Balasore

2.Sri Haren Chandra Rana

.... Petitioners

None

-versus-

1.BijayKumar Mistri

2.Kamalini Das

.... Opp. Parties

None

CORAM:

HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

19.08.2026

Order No.

07.

(Through hybrid Mode)

1. This matter is taken up from the weekly list.
2. This CMP has been filed challenging the order dated 27.07.2016 passed by the learned Additional Civil Judge (Senior Division), Balasore in Civil Suit No. 28 of 2005 (Annexure-5), rejecting the application filed by the defendants to recall P.Ws. 1 and 2 for further cross examination. The Petition has been rejected on the ground that no application has been filed for setting aside the ex-parte order.



3. While issuing notice on 05.10.2016, further proceeding in the suit had been stayed by this Court.
4. None appears on behalf of the Petitioner or the Opposite Party Nos. 3 and 4, when the matter is called.
5. In view of the fact that more than 10 years have elapsed since the impugned order was passed and there is no appearance on behalf of the parties, it can safely be presumed that in the meanwhile the suit has been disposed of or has substantially progressed rendering the CMP infructuous.
6. Hence, no useful purpose will be served by keeping this CMP pending, which is accordingly disposed of.
7. Interim order passed earlier stands vacated.
8. Misc. Case No. 1428 of 2016 stands disposed of.
9. Urgent certified copy of this order be granted on proper application.

(Savitri Ratho)
Judge

Subhalaxmi