



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.971 of 2026

CNR No. ODHC010419252026

Arpana Ramani & Anr. *Petitioner(s)*
Mr. Santosh Kumar Dwivedy, Adv.
versus-
Harsh Gupta & Ors. *Opposite Party(s)*

CORAM:

HON'BLE DR.JUSTICE SANJEEB K PANIGRAHI

ORDER

30.07.2026

Order No.

01.

1. This matter is taken up through hybrid arrangement.
2. In filing the present CMP, the Petitioners being the Plaintiffs 4 & 5 in the Civil Suit, have challenged the impugned order dated 17.02.2026 passed by the learned Civil Judge, Balasore in Civil Suit No.9206 of 2014-I.

Apart from the above, the Petitioners have also sought for a direction from this Court to the learned trial Court for accepting the 'Vakalatnama' filed by the newly engaged counsel on behalf of them.

3. Heard.
4. Challenging the impugned order dated 17.02.2026 passed in C.S. No.9206 of 2014-I, learned counsel for the Petitioners submits that though the newly engaged counsel named Mr. Kamalakanta Mohapatra had filed

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‘Vakalatnama’ on behalf of the Petitioners before the learned trial court after obtaining necessary NOC from the previous counsel, the learned trial court did not accept the said ‘Vakalatnama’ due to non-indication of reason of filing the separate ‘Vakalatnama’ afresh as on the earlier occasion all the Plaintiffs were being represented by one counsel.

5. He further contends that it is the prerogative of a party to engage any counsel to plead the case on behalf of him/her. In the present context, the fresh ‘Vakalatnama’ has been filed after obtaining necessary NOC from the earlier counsel. In order to strengthen the case on behalf of the Petitioners, he also relies on a decision of this Court in the case of *Beta @ Bibekananda @ Santosh Hansdah @ Santosh Hansda Vrs. State of Odisha* ¹. He, accordingly, prays for allowing the prayer made the present CMP.
6. Considering the submission made on behalf of the Petitioners and looking to the impugned order dated 17.02.2026, this Court finds that the fresh ‘Vakalatnama’ on behalf of the Petitioners/Plaintiffs 4 & 5 has been filed after obtaining necessary NOC from the earlier counsel. It is also the prerogative of a party to engage any counsel to plead the case on behalf of him/her. This Court, therefore,

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Dated 04.08.2021



while setting aside the impugned order dated 17.02.2026 passed in C.S. No.9206-2014, directs the learned Civil Judge, Balasore to accept the fresh 'Vakalatnama' filed on behalf of the Petitioners/Plaintiffs 4 & 5 and proceed accordingly.

7. This CMP is, accordingly, disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge

Ayaskanta

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