

IN THE HIGH COURT OF ORISSA AT CUTTACK

S.A. No.229 of 1986

Duryodhan Satpathy ***Appellant***
Mr.Pramod Kumar Mohapatra, Advocate

-versus-

Maheswar Satpathy & Others ***Respondents***

M/s.R.K. Mohapatra, Advocate

CORAM:

MR. JUSTICE D.DASH

ORDER

05.05.2022

Order No.

24. 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. This Appeal under section 100 of the Code of the Civil Procedure (for short call as 'the Code') had been filed by the unsuccessful Defendant No.1 having failed in the First Appeal filed under section 96 of the Code. The Appeal has been dismissed long back vide order dated 26.09.1987.
3. The Cross-Objection filed under Rule-22, Order-41 of the Code filed by the Respondent No.1 (Plaintiff No.1) had been admitted by order dated 05.02.1988.
4. Mr. Narayan Satpathy, claiming to be the son of Maheswar Satpathy (Respondent No.1), who was the Plaintiff No.1 before the Trial Court and Respondent No.1 in the First

Appeal being present in person states that his father, Maheswar Satpathy has died on 11.11.2008.

5. The sole Cross-Objector thus having died on 11.11.2008, no such step from the side of the legal representatives of the Cross-Objector (Plaintiff No.1) has been taken to come on record for being substituted in his place to pursue the Cross-Objection even after lapse of a decade and five months.

6. In view of the above, the Cross-Objection having already abated, the same stands dismissed. No order as to cost.

(D. Dash)
Judge

Himansu

