

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.269 of 2013

Jagannath Palai

....

Appellant

Mr. N. K. Sahu, Advocate

-versus-

Kunia Baral and others

....

Respondents

None

CORAM:

**THE CHIEF JUSTICE
JUSTICE CHITTARANJAN DASH**

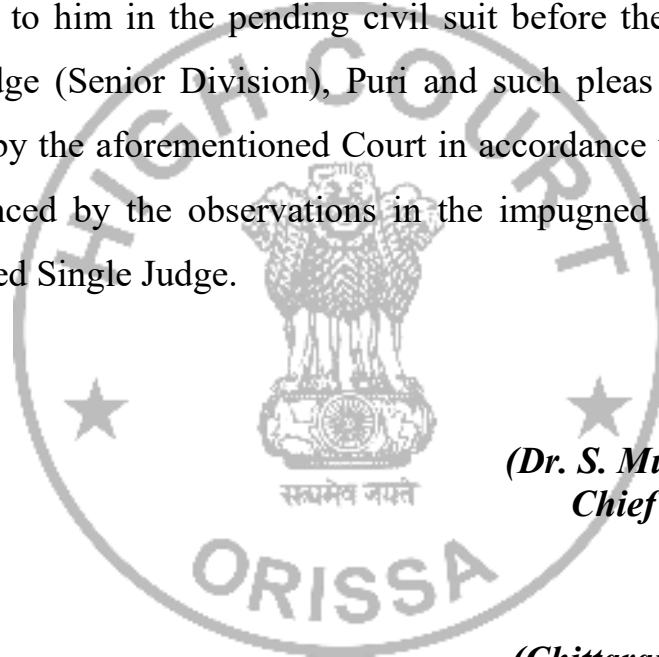
**ORDER
24.08.2022**

Order No.

03. 1. Learned Single Judge has dismissed the writ petition i.e. W.P.(C) No.24767 of 2011 filed by the present Appellant by the impugned order dated 16th April, 2013 on the ground that the Consolidation Officer could not have gone behind the decree of the Civil Court passed on 7th February, 1986 vis-à-vis the title and possession.
2. Learned counsel for the Appellant states that in the meanwhile, the Respondents have preferred a civil suit being C.S. No.324 of 2005 in the Court of the Civil Judge (Senior Division), Puri seeking possession of the property. Learned counsel for the Appellant therefore seeks leave to reserve the right of the Appellant to raise all pleas in defence including the pleas raised in the present appeal in the aforementioned

Civil Suit pending before the learned Civil Judge (Senior Division), Puri, with the further request that the observation made in the impugned order of the learned Single Judge may not come in the way of the learned Civil Judge (Senior Division), Puri deciding the claim of the Appellant in accordance with law.

3. In that view of the matter, the writ appeal is disposed of reserving the right of the Appellant to raise all the pleas available to him in the pending civil suit before the learned Civil Judge (Senior Division), Puri and such pleas shall be decided by the aforementioned Court in accordance with law uninfluenced by the observations in the impugned order of the learned Single Judge.



(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

M. Panda