

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) NO.7437 OF 2009**

***Ghanashyam Biswal***

....

***Petitioner***

Mr.B.Bhuyan, Adv.

*-versus-*

***Patitapaban Parida & ors.***

....

***Opposite Party(s)***

Mr.D.H.Dhal, Adv.

**CORAM:  
JUSTICE BISWANATH RATH**

**ORDER**

**9.12.2022**

**I.A.NO.15840/2021 & W.P.(C) NO.7437 OF 2009**

**Order No.**

08.

1. Heard learned counsel for the Parties.
2. Even if there is a substitution petition for some of the Parties, for the opinion of this court, substitution is not required to be undertaken under the Miscellaneous Proceeding.
3. The I.A. stands dismissed. It is open to the Parties to take appropriate steps in the Civil Court involved herein.
4. The Writ Petition involves rejection of an Application under Order 6 Rule 17 read with Section 152 of C.P.C. in a final decree proceeding. Rejecting the Application, the trial court has a clear observation that the Petitioner's earlier move on the selfsame issue having been rejected and not challenged any further, the subsequent

petition invites principle of res judicata. In the circumstance, this Court finds, there is no illegality or infirmity in the impugned order required to be interfered with.

5. The Writ Petition thus stands dismissed.

**(Biswanath Rath)**  
**Judge**

*M.K.Rout*

