

IN THE HIGH COURT OF ORISSA AT CUTTACK

RSA NO.275 OF 2004

Baptist Mission & Others

Appellants

Mr.P.Pradhan,Advocate

-versus-

Dhirendra Kumar Mohanti & Others

Respondents

Mr.K.M.Mishra,
Advocate

CORAM:

MR. JUSTICE D.DASH

ORDER

11.03.2022

Order No.

06. 1. This matter is taken up by Hybrid Arrangement (Virtual/ Physical) mode.

2. None appears for the Appellants in this Appeal of the year 2004 when is called for hearing.

Learned counsel for the Respondents, filing a memo in Court, which is taken on record, submits that Appellant No.3, who was one of the Plaintiffs, is dead. He further submits that Respondent Nos.3, 4 and 7, who were Defendant Nos.3, 4 and 7 have also expired. It is also submitted that Respondent No.2 was contesting the suit by filing his written statement whereas Respondent Nos.3 to 7 as Defendant Nos.3 to 7 were contesting the suit by filing joint written statement.

The suit had been filed for declaration that the Appellants-Plaintiffs are the Marfatdars of the Mission (Church property) and the Respondent Nos.1 and 2 are not the Marfatdars with further declaration of recovery of portion of the suit land from Defendant No.3. The suit having been dismissed, the First

Appeal under Section 96 of the CPC was presented by the unsuccessful Plaintiffs, who are the present Appellants. The First Appeal has also been dismissed.

Record reveals that step for substitution of the deceased parties have not yet been taken.

3. In the above state of affairs, the Appeal stands dismissed for non-prosecution.

***(D. Dash),
Judge.***

Basu

