

IN THE HIGH COURT OF ORISSA AT CUTTACK

RSA No.301 of 2005

Chandra Behera (Since Dead) by Appellants
his LRs & Others

-versus-

State of Orissa & Others Respondents

CORAM:

MR. JUSTICE D.DASH

ORDER

11.07.2022

Misc. Case Nos.162 & 163 of 2009

Order

No.

10. 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. These applications have been filed for substitution of the legal representatives of the Appellant No.22 by setting aside the abatement.
3. Heard learned counsel for the Appellants.
4. Considering the submissions made and on going through the averments made in the petitions; the prayers, as advanced therein, are allowed. The legal representative of the Appellant No.22 as indicated in the applications, is hereby substituted in place of the Appellant No.22, who has died during pendency of the Appeal by setting aside the abatement.

The misc. cases are disposed of accordingly.

(D.Dash)

Judge

ORDER

11.07.2022

Misc. Case Nos.161, 164 & 160 of 2009

- 11.
1. These applications have been filed for substitution of the legal representatives of the Appellant No.30 by setting aside the abatement and condoning the delay in filing the application for setting aside the abatement.
 2. Heard learned counsel for the Appellants.
 3. Considering the submissions made and on going through the averments made in the petitions; the prayers, as advanced therein, are allowed. The legal representatives of the Appellant No.30 as indicated in the applications, are hereby substituted in place of the Appellant No.30, who has died during pendency of the Appeal by setting aside the abatement and condoning the delay.

The misc. case are disposed of accordingly.

(D.Dash)

Judge

ORDER
11.07.2022
RSA No.301 of 2005
AND
I.A. No.502 of 2022

12. 1. The orders passed in the above misc. cases today be carried out in the cause title.
2. The Appellants, by filing this I.A, have sought for the permission to withdraw this Appeal.
2. Learned counsel for the Appellants, reiterating the averments taken in the application, submits that in the meantime, the parties having amicably settled the dispute giving rise to the lis, these Appellants are no more interested to further challenge the judgment and decree passed by the learned District Judge, Dhenkanal in TA. No.24 of 2000 confirming the judgment and decree passed by the learned Additional Civil Judge, Senior Division, Dhenkanal in T.S. No.71 of 1995.
3. Accepting the submission, as above, the prayer, as advanced in the application supported by the affidavit of one of the Appellants, i.e., Appellant No.5 for self and on behalf of other Appellants, is allowed.
4. In view of the above, the Appeal stands dismissed as withdrawn.

(D.Dash)

Judge