

IN THE HIGH COURT OF ORISSA AT CUTTACK

ARBA No.2 of 2003
(Through hybrid mode)

Union of India and others ***Appellants***

Mr. S.B. Panda, Advocate (CGC)

-versus-

Abadhuta Jena ***Respondent***

Mr. S. Palit, Senior Advocate

CORAM: JUSTICE ARINDAM SINHA

ORDER
11.08.2022

Order No.
18.

1. Mr. Panda, learned advocate, Central Government Counsel appears on behalf of appellants and submits, his client being aggrieved by the award, had applied for setting it aside. By impugned judgment, the challenge was rejected. Hence, the appeal. He submits further, respondent award holder died. His widow also died. Persons claiming to be the second wife and sons are claiming under original respondent, since deceased.
2. Mr. Palit, learned senior advocate appears and submits, his clients are two adopted daughters of the first wife. He submits further, this appeal is covered by **order dated 26th July, 2022** made in **ARBA no.4 of 2003** (parties own case).

3. Mr. Palit relies on **order dated 14th March, 2008** made by coordinate Bench in the application of his clients to be substituted by addition, as respondents in the appeal. The order is available at **2008 SCC OnLine Ori 282** and reported in **(2008) 106 Cuttack Law Times 76**. Paragraph-24 (SCC Online print) says as follows.

“17. Considering the facts and the pleadings advanced by the rival parties in law on the subject and the various citations referred hereinabove, I am satisfied that the materials placed before me by the applicants, namely, Smt. Subhashree Jena and Smt. Parbany Jena and the affidavit of the Tahasildar affirming the genuineness of the certificate relied upon by them are sufficient for the purpose of allowing their petition for substitution. Hence, they are impleaded on contest but in the circumstances without cost. Misc. Case No. 51 of 2005 is allowed in terms of the directions contained hereinabove and in view of the order passed in Misc. Case No. 51 of 2005, no further order need be passed in Misc. Case No. 55 of 2004 and the same also stands disposed of.”

4. It does appear that the appeal is covered by said **order dated 26th July, 2022** (supra). Appellants (Union of India) cannot be concerned with who of the respondents are entitled to

benefit by impugned award. It appears consolidated cause title was not filed pursuant to said substitution **order dated 14th March, 2008** (supra). The amendment be carried out by the Registry, to add names of the two adopted daughters in addition to those persons, earlier substituted.

5. The appeal is dismissed as covered by said **order dated 26th July, 2022** (supra).

(Arindam Sinha)
Judge

Sks

