

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.3663 of 2010

Purna Chandra Sahoo

....

Petitioner(s)
Mr.B.Patnaik, Adv.

-versus-

Mathura Prasad Ram (Dead) & Ors.

....

Opp.Party(s)

CORAM:

JUSTICE BISWANATH RATH

ORDER

14.12.2022

Order
No.

6.

1. Heard learned counsel appearing for the petitioner. It appears, notice involving this writ petition was issued to the private opposite parties except opposite party nos.3 and 4 by the order of this Court dated 16.03.2010. Further, it appears, in the meantime for the death of opposite party no.1, the writ petition already involved the L.Rs. of deceased-opposite party no.1. Notice being issued to the L.Rs. of deceased-opposite party no.1, Office note dated 15.07.2010 discloses A.Ds have been received from the opposite parties after valid service. In the above scenario, contesting opposite parties have no contest to the proceeding herein and the matter is decided only involving the counsel for the petitioner.

2. Considering the submission of learned counsel for the petitioner in reference to the observation of the revisional court, this Court finds there is giving due attachment to the submission of the petitioner, in the disposal of revision consideration made in the first time in the revision proceeding. Apart from this, this Court also finds there has been ignorance of material already on such aspect through evidence in the original proceeding being ignored in the decision process.

3. In the process, this Court finds there is legal flaw in the revisional order. Accordingly, this Court interferes in the order at Anenxure-8 and sets aside the same. However, for re-hearing of the Revision Case No. 2 of 1997 is necessary, this Court in the remand of the proceeding to the revisional authority directs the revisional authority on receipt of certified copy of this order to issue notice to the revision petitioner and or the L.Rs. , if any, and dispose of the proceeding in accordance with law.

4. The writ petition stands disposed of.

(Biswanath Rath)
Judge

Sks

