

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.36 of 2022

Bijaya Kumar Mohapatra

....

Petitioner(s)

Mr. S.K.Samal, Advocate

-versus-

Anita Mahapatra & Ors.

....

Opposite Party(s)

Mr.J.K.Mishra, Advocate
(For O.P.No.2)

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
07.02.2022**

Order No.

1.

1. Heard learned counsel appearing for the parties
2. Considering the impugned order is statutorily appealable, this Court finds difficulty in entertaining the Civil Miscellaneous Petition. However, while declining to entertain the Civil Miscellaneous Petition on the ground of maintainability, this Court permits the petitioner to file an appeal at least within a period of one week hence along with an application for condonation of delay. Considering the delay application, the appellate authority shall take into cognizance of the petitioner bonafidely approaching this Court and permit the petitioner to file appeal on withdrawal of the CMP.
3. The C.M.P. stands disposed of with the observation made hereinabove.

(Biswanath Rath)
Judge