

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.A. No. 128 of 2013

Nilamani Sahoo (Dead)

.... ***Appellant***
Mr. J. Bhuyan, Advocate

-versus-

Bata Krushna Sahoo (Dead) and
Another

Respondents

Mr. T.K. Swain, Advocate

CORAM:
THE CHIEF JUSTICE
JUSTICE CHITTARANJAN DASH

Order No.

ORDER
10.10.2022

I.A. No. 3125 of 2022

05. 1. The Petitioner-Appellant has filed the present application seeking modification of the order dated 24th August, 2022 with the following prayer:

“The petitioner therefore, prays that this Hon’ble Court may graciously be pleased to allow the petition for modification to the extent that in place of “Remand Consolidation Revision No.2750/2005 by the Director of Consolidation, Odisha”. Consolidation Appeal No.158/2014 by the Deputy Director Consolidation Range-II, Jagatsinghpur” may be inserted and in place of “C.O., Kujanga”, “the Deputy Director, Consolidation Range-II, Jagatsinghpur” may be incorporated and further praying to extend the date of appearance.”

2. Having perused the application and the order dated 24th August, 2022; the prayer for modification is allowed. Accordingly, paras 10(ii), 11 and 12 of the aforementioned order are modified in the following manner:

“(ii) With the legal position being absolutely clear that the revision petition was not barred, the logical course would have been to stay the further proceedings in C.S. No.78 of 2009 while awaiting the decision in the Consolidation Appeal No. 158 of 2014 pending before the Deputy Director, Consolidation Range II, Jagatsinghpur.

11. Consequently, while setting aside the impugned order of the learned Single Judge and allowing the present appeal, the Court further directs that till the disposal of the aforementioned Consolidation Appeal No. 158 of 2014 by the Deputy Director, Consolidation Range II, Jagatsinghpur; further proceedings in C.S. No.78 of 2009 pending before the Court of the Civil Judge (Junior Division), Kujanga shall remain stayed. The aforementioned consolidation case will now be listed before the Deputy Director, Consolidation Range II, Jagatsinghpur on 19th October, 2022 and he is requested to dispose of the said consolidation appeal within a period of four months thereafter.

12. It may be noted here that during the pendency of the present writ appeal, the sole Appellant has died. His legal representatives (LRs) have already been substituted in the aforementioned revision case which will now proceed on that basis before the Deputy Director, Consolidation Range II, Jagatsinghpur.”

3. The I.A. is accordingly disposed of. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge