

IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P. No.1127 of 2017

Prasanta Kumar Panigrahi

....

Petitioner(s)

Mr. S. Mishra,
Advocate

-versus-

Usharani Tripathy & Ors.

....

Opposite Party(s)

Mr. B.P.B. Bahali,
Advocate for O.P.1

CORAM:

JUSTICE BISWANATH RATH

ORDER

27.04.2022

Order No.

14.

1. This matter arises out of rejection of an application U/o.26 Rule 10(A) of C.P.C. recording the admission of the defendant that there is enough material to comper the dispute with regard to signature through different documents already marked.

2. Mr. Mishra, learned counsel for the Petitioner reading the impugned order submitted that there is misreading of the undertaking of the submission of the defendant counsel and Petitioner's intention has not been carefully taken and in the result there is defective order. For the opinion of this Court that if the defendant-Petitioner had any other desire and there has been wrong noting on its submission, for the settled position of law it is the same court which needs to correct the mistake, if any, committed by it and any recording contrary to the intention of the party. Mr. Mishra, learned counsel for the Petitioner wants to have its option to approach the very same Court. This Court in this contingency, finds, the defendant should get such opportunity. In

the result, this Court declining to interfere in the impugned order permits the Petitioner to move for clarification, if any, involving the impugned order and such exercise be conducted involving the plaintiff and by completing the entire exercise within two month.

2. The C.M.P stands disposed of with the above observation and direction.

(Biswanath Rath)
Judge

Ayaskanta Jena

