

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.141 OF 2022

Gobinda Chandra Sahoo & Anr. **Petitioner(s)**
Mr.R.K.Acharya,
Advocate

-versus-

Madhab Chandra Sahoo & Anr. **Opposite Party(s)**

CORAM:
JUSTICE BISWANATH RATH

ORDER
04.03.2022

Order No.
01.

1. Considering the grounds raised herein and looking to the entire order sheet filed by the Petitioner vide Annexure-3, this Court finds, P.W.2 has been examined in chief and is ready since 22.11.2021 for cross-examination. It appears, there has been numerable postings of the matter and it is even seen that the Court below in the first instance while accommodating the defendants to cross-examine the P.W.2 adjourned the matter and in the second instance there has been accommodation to the defendants with imposition of cost of Rs.250/- (rupees two hundred fifty only) and in third instance with another imposition of a cost of Rs.250/-(rupees two hundred fifty only). Recording that the cost as awarded in the first and second instance was not deposited, the Court again adjourned the matter but however, subject to imposition of cost of Rs.500/-(rupees five hundred only) this time. Even thereafter also the Petitioner did not respond counsel to cross-examine the P.W.2. Learned counsel for the Petitioner submits that the Advocate engaged by the Petitioner met with an accident but

undisputedly this was not the position all the dated indicated herein above. This Court not only finds, the defendants have found the proceeding to be luxurious one, but this Court also observes, there is clear attempt to harass a witness who has been forced to come to Court at least on four occasions for their cross-examination purpose and the cross-examination of this particular witness is not taking place at all. This Court here finds, the trial Court even failed to appreciate the position of such witness and went on accommodating the defendants. There should not be so much liberal approach.

2. It is at this stage of the matter, learned counsel for the Petitioner prayed for withdrawal of the CMP.

3. Considering the prayer made by the learned counsel for Petitioner and while expressing its displeasure the manner followed involving cross-examination of a witness, this Court permits the Petitioners to withdraw the CMP.

4. This CMP is accordingly dismissed as withdrawn.

(Biswanath Rath)
Judge

S.P. Dash