

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.5769 of 2022

Pramod Kumar Mohanty

....

Petitioner(s)
Mr.P.K.Praharaj,
Advocate

-versus-

Gangadhar Mohanth

....

Opposite Party(s)

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
29.03.2022**

Order No.

1.

1. Heard learned counsel appearing for the petitioner.
2. Considering the nature of suit and recording the submission of learned counsel for the petitioner that evidence involving such suit is yet to commence, for clear provision of Order 26, rule 9 of the Code of Civil Procedure this Court finds timing of filing of such application and consideration was inappropriate. In the circumstance, this Court declines to interfere in the impugned order but, however keeping scope for filing and consideration of such application open but, however after the evidence found to be not clear on the question required to be obtained on application of Order 26, rule 9 of the Code of Civil procedure involving the parties in course of argument. In the event such application comes, observation, if any, in the impugned order shall have no play.

(Biswanath Rath)
Judge