

IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P. No.175 of 2022

Hari Sahoo

....

Petitioner(s)

Mr.R.Mohanty, Advocate

-versus-

Bijay Kumar Mahalik.

....

Opposite Party(s)

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
10.03.2022**

Order No.

1.

1. Heard Mr.Nayak, learned counsel appearing for the petitioner.

2. The suit involves the following prayer:

“Therefore the plaintiff prays-

(A) That the defendant be directed to vacate the premises of the plaintiff in favour of the plaintiff and in case the defendant fails to deliver the vacant portion of the building necessary ordered be passed for eviction of the defendant.

(B) That, defendant No.1 be directed to pay the rental amount of Rs.9000/- from August, 2015 to Nov.2015 to the plaintiff.

(C) That, the defendant No.1 be permanently restrained from changing nature and character of the scheduled land.

(D) That, the cost of the suit be decreed in favour of the plaintiff against the defendant No.1 and the plaintiff granted what other equitable relief under the law.”

3. Looking to the nature of relief, for the opinion of this Court in the event of decree operating involving such suit, the decree is executable only in respect of defendant involved. In the circumstance, there was no

necessity of filing even application under Order 1, rule 10 of the Code of Civil Procedure as the judgment and decree is only binding on such parties. Consequently, the Civil Miscellaneous Petition stands disposed of.

(Biswanath Rath)
Judge

Sks

