

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP NO.199 OF 2022

Rath Jena @ Rath Nayak

....

Petitioner

Mr.H.N.Mohapatra, Adv.

-versus-

Rohit Nayak & anr.

....

Opposite Party(s)

CORAM:

JUSTICE BISWANATH RATH

ORDER
16.3.2022

Order No.

- 01.
1. Heard learned counsel for the Petitioner.
 2. For the confirming order involving two courts already, this Court is not inclined to interfere with such impugned order. However, keeping in view the allegation of the learned counsel for the Petitioner in reference to the appellate order that in deciding the Appeal involving the Order 39 Rules 1 & 2 of C.P.C. Application, the lower appellate court has come to observe on the sale deed involved in a manner likely to affect the trial yet to commence, this Court observes, any such observation is prima facie observation involving a consideration of application under Order 39 Rules 1 & 2 of C.P.C. and such observation has nothing to do in the ultimate trial of the suit, which will be ultimately decided on the pleadings, the evidence and material support involved therein.
 3. The CMP stands disposed of accordingly.

(Biswanath Rath)
Judge

M.K.Rout