

IN THE HIGH COURT OF ORISSA AT CUTTACK

RSA No.401 of 2017

Ganesh Sahu @ Saw

....

Appellant

Mr.D.K.Patra,
Advocate

-versus-

Smt. Sarada Devi

....

Respondent

Mr.S.Udgata,
Advocate

CORAM:

MR. JUSTICE D.DASH

Order
No.

ORDER
08.07.2022

02

1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. Mr.S.Udgata, learned counsel for the Respondent (Plaintiff) files a memo with the copy of the order-sheet of Execution Case No.02 of 2018 of the Court of the learned Senior Civil Judge, Rourkela in Court today, which are taken on record.

He submits that the judgments and decrees, which have been assailed in the present Second Appeal, had been put to execution by the Respondent- (Plaintiff-Decree Holder). He submits that the parties having amicably resolved the dispute giving rise to the litigation have so stated before the Executing Court for which the Execution Proceeding has been disposed of on full satisfaction in terms of the compromise. He, therefore, submits that practically, no purpose now stands to keep this Appeal alive on board and hearing on the question of admission

would be sheer wastage of time and energy of all concerned and merely an exercise in futility.

Mr.D.K.Patra, learned counsel for the Appellant, although does not dispute the genuineness of the order-sheet, which has been filed in Court today, submits to have received no such instruction from the Appellant (Defendant-Judgment Debtor).

3. The Respondent, as the Plaintiff, had filed the suit for eviction of the Appellant (Defendant) from the suit shop room, realization of arrear rent and damage. The suit having been decreed, the First Appeal filed by this Appellant has also been disallowed.

It reveals from the order-sheet of the Executing Court that the parties, having arrived at a compromise, the Respondent (Plaintiff-Decree Holder) who had executed the decrees has accepted said compromise and accordingly, the Execution Proceeding initiated at her instance, has been disposed of on full satisfaction. In the given situation, this Court finds that continuance of this Second Appeal would serve no purpose in reality.

4. In that view of the matter, the Appeal stands dismissed. No order as to cost.

(D.Dash)
Judge

Basu