

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP NO.1091 OF 2017

Jenis Uthansingh

....

Petitioner

Mr.A.R.Dash, Adv.

-versus-

Pratap Singh & ors.

....

Opposite Party(s)

**CORAM:
JUSTICE BISWANATH RATH**

**Order
No.**

**ORDER
10.5.2022**

6. 1. In spite of notice to the O.Ps. and as this Court finds, O.Ps.1 to 8 are all Plaintiffs contesting the matter together, notice needs to be sufficient on all the Plaintiffs, O.Ps. The case is taken up only hearing learned counsel for the Petitioner-Defendant and on the basis of materials available on Record.
2. Taking this Court to the disclosures through the Record of Rights and the Un-registered Sale Deed, attempt is made by the learned counsel for the Petitioner that even though there is discrepancy apparent in Annexure-3 but this is not such a serious discrepancy requiring to not entertaining the application of the Petitioner under Order 13 Rule 8 of C.P.C. It is thus contended that there has been no proper consideration of the Application involved therein.

3. Considering the submissions of the learned counsel for the Petitioner and on perusal of the contents in Annexure-1 as well as the disclosures in Annexure-3, Page-15, this Court finds, the discrepancy appearing cannot be taken to be a minor discrepancy. Looking to the nature of discrepancy, this Court finds, there is no scope for bringing such document under the purview of Order 13 Rule 8 of C.P.C. read with Section 151 of C.P.C. As a consequence, this Court finds, there is right consideration of the trial court requiring no interference in such order.

4. This order of this Court is only confined to rejection of request for impounding of the document and would affect the suit if contested otherwise.

5. The CMP thus stands dismissed.

(Biswanath Rath)
Judge

M.K.Rout