

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMAPL No.254 OF 2019

Kailash Ch. Behera

....

Petitioner

Mr. K. Mohan Dhal, Advocate

-versus-

Ashok Kumar Mitra & Others

....

Opp.Parties

MR. JUSTICE D.DASH

ORDER

07.01.2022

Order No.

I.A. Nos. 160, 161 and 162 of 2021

2.

This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).

These applications have been filed for substitution of the legal representatives of Opposite Party No. 1 (Respondent No.1 in RSA No. 254 of 2010 filed by this Petitioner) who has died on 12.1.2020 by setting aside the abatement and condoning the delay.

Heard.

Considering the submissions made and on going through the averments taken in the applications; the prayers as advanced in the above applications are allowed.

Legal representatives of Opposite Party No.1 as indicated in the schedule of the application are substituted as Opposite Party Nos. 1(a) and (b).

The I.As. are disposed of.

***(D. Dash),
Judge.***

ORDER
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3. Corrected copy of the cause title sheet be filed within a week.

This is an application for restoration of the Second Appeal i.e. RSA No.254 of 2010 filed by the present Petitioner as the Appellant which had been dismissed for non-prosecution on 15.9.2018.

Heard learned counsel for the Petitioner and learned counsel for the legal representatives of Opposite Party No.1 who has entered appearance on their behalf in RSA No. 254 of 2010, a connected Second Appeal and other Opposite Parties.

Considering the submission made and on going through averments taken in the petition, prayer for restoration is allowed. The RSA No.254 of 2010 is restored to file.

The CMAPL stands disposed of accordingly.

(D. Dash),
Judge.