

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CMP No1510 of 2017**

***Maibu Sobani The Deity Marfatdar* .... *Petitioner***  
***Majum Bibi***

Mr. M.A. Ali, Advocate

*-versus-*

***Sk. Taher Mohammad* .... *Opp. Party***

**CORAM:**  
**JUSTICE K.R. MOHAPATRA**

**ORDER**

**22.12.2022**

**Order No.**

9. 1. This matter is taken up through Hybrid mode.
2. Perused the Office note, which indicates that due to late filing of postal stamp/fee, notice could not be issued to the Opposite Party. On perusal of order sheet, it appears that this Court, vide order dated 14<sup>th</sup> December, 2022, directed that deficit postal stamp shall be deposited by 15<sup>th</sup> December, 2022, but the same was not deposited within the stipulated time.
3. This CMP has been filed assailing the order dated 9<sup>th</sup> November, 2017 (Annexure-1) passed by learned Civil Judge (Junior Division), Bhadrak in CS No.369 of 2012, whereby an application filed by the Plaintiff/Petitioner to summon attesting witnesses, namely, Dalu Saha @ Zahiruddin Saha and Gouranga Charan Das to be examined as witness to prove the RSD No.2143.
4. Learned counsel for the Petitioner submits that the aforesaid two witnesses are necessary to be examined in the case, as they have put signature as well as LTI as attesting witness on RSD No.2143. Learned trial Court, without

considering the relevancy of their evidence, rejected the petition. Hence, this CMP has been filed.

5. Considering the submission made by learned counsel for the Petitioner, it appears that RSD No.2143 has already been exhibited by the Petitioner without any objection from the Opposite Party. When the sale deed has already been exhibited without any objection there is no necessity to examine the attesting witness which would only be a futile exercise. Learned trial Court holding that the RSD No.1243 is a public document and carries presumptive value of transaction and genuineness, rejected the said petition. In this view of the matter, this Court feels that issuance of notice to the Opposite Party by accepting the requisites filed late will serve no purpose. In that view of the matter, prayer of the Petitioner is not accepted.

6. In view of the observations made above, the CMP stands dismissed.

7. Interim order dated 19<sup>th</sup> March, 2018 passed in Misc. Case No.231 of 2018 stands vacated.

**(K.R. Mohapatra)**  
**Judge**