

IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P. No.267 of 2022

Prabhat Narayan Tripathy

....

Petitioner(s)

Mr. M. Mohanty,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr. R.P. Mahapatra,
Addl. Govt. Adv.

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
08.04.2022**

Order No.

01. 1. This petition arises out of rejection of an application U/o.6 rule 17 of C.P.C. Looking to the petition at running page 22 of the brief, this Court though finds, there is disclosure of sending of notice U/s.80 of C.P.C through registered post with A.D., unfortunately there is no such enclosure with regard to the same appended to the C.M.P giving a grave doubt in the foundation of such claim. Mr. Mohanty, learned counsel for the Petitioner submits that he has instruction that such document has been filed along with the plaint but he, however, is unable to produce at least a copy of the same. This Court finds, the C.M.P. is not a complete one. It is, at this stage of the matter, considering the request made by Mr. Mohanty, learned counsel for the Petitioner, this Court permits the Petitioner to withdraw the C.M.P. with liberty to file a better petition.

2. The C.M.P. is, accordingly, disposed of as withdrawn, but with liberty as prayed for.

(Biswanath Rath)
Judge

Ayaskanta Jena

