

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No. 271 OF 2022

Santanu Kumar Das

Petitioner

Mr. J.K. Mishra, Advocate

-versus-

Tarikan Bibi and others

.... ***Opp. Parties***

Mr. Amit Prasad Bose, Advocate
(For Opp. Party Nos.7 and 8)

Mr. Vivekananda Jena, Advocate
(For Opp. Party Nos.10 to 16)

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
26.07.2022

Order No.

3.
 1. This matter is taken up through hybrid mode.
 2. The Petitioner in this writ petition seeks to assail the order dated 22nd March, 2022 (Annexure-1) passed in C.S. No.87 of 2019-I, whereby learned Civil Judge (Senior Division), Soro rejected two applications filed by the Petitioner-Defendant No.9 under Order VIII Rule 9 and order IX Rule 7 of C.P.C. praying inter alia to accept the written statement and permit him to contest the suit by setting aside the order putting the Defendant No.9 ex-parte.
 3. In course of hearing, Mr. Mishra, learned counsel for the Petitioner submits that, if the prayer for acceptance of written statement of the Petitioner-Defendant No.9 is allowed, the Petitioner-Defendant No.9 undertakes not to cross-examine the witnesses already examined in the suit. As such, there will be no difficulty in accepting the written statement intended to

be filed by the Petitioner-Defendant No.9, who is a subsequent purchaser.

4. Mr. Jena, learned counsel for the Plaintiffs-Opposite Party Nos.10 to 16 and Mr. Bose, learned counsel for the Opposite Party Nos.7 and 8 submit that if the Petitioner-Defendant No.9 undertakes to not to cross-examine the witnesses already examined in the case, there will be no difficulty in accepting the written statement of Defendant No.9.

5. Taking into consideration the submissions made by learned counsel for the parties, this Court without delving into the sustainability of the order impugned herein disposes of the CMP with a direction that the written statement intended to be filed by the Petitioner-Defendant No.9 shall be accepted subject to condition that the Petitioner-Defendant No.9 shall not cross-examine the witnesses already examined in the suit by the parties.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge