

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.12491 of 2010

Prabasini Rao

....

Petitioner(s).

Mr.U.K.Samal,
Advocate

Braja Paikaray & Ors.

....

Opposite Party(s)

Mr. D.N.Pattanaik, Advocate

CORAM:

JUSTICE BISWANATH RATH

ORDER

13.09.2022

Order No.

Misc. Case Nos.10503 of 2011, 10505 of 2011 and 10504 of 2011

05.

1 For the nature of dispute pending herein, as a writ petition, this Court allows all these applications thereby bringing on record the L.Rs. of the sole deceased- petitioner.Necessary corrections be incorporated in the cause title by reflecting the newly added parties.

(Biswanath Rath)
Judge

Sks

ORDER
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06. 1 Heard learned counsel appearing for the parties.
2. Undisputedly there is denial of application under Order 1 Rule 10 of the Code of Civil procedure being moved by the plaintiff to bring party required to be involved in the suit after such disclosure came in the written statement. Sole intention of the plaintiff in moving such application to be to provide an opportunity to the parties likely to be affected and further to avoid any legal complicity in future in working out any judgment and decree involved therein. The application was rejected resulting the writ petition. The writ petition was entertained. While issuing notice, this Court vide order dated 29.09.2010 directed stay of further proceeding in Civil Suit. This Court here finds the technical defect in view of the Hon'ble Apex Court judgment in the case of ***Rahul S. Shah Vs. Jinendra Kumar Gandhi and Others, (2021) 6 Supreme Court Cases 418*** where the Hon'ble Apex Court has taken out of interim order involving all suits throughout India.
3. Mr.Samal, learned counsel appearing for the petitioner submitted that after such development, he is not aware as to whether the suit is still pending or not. For no update information, this Court finds the writ petition should be dismissed for no instruction but however with liberty to revive in the event the suit involved herein is pending.
4. The writ petition stands disposed of with the observation made hereinabove.

(Biswanath Rath)
Judge

skS