

IN THE HIGH COURT OF ORISSA AT CUTTACK

S.A. No.237 of 1998

Sadananda Sahu

Appellant

....

Mr. P.K. Patnaik, Advocate

-versus-

Lingaraj Sahu & Another

....

Respondents

CORAM:

MR. JUSTICE D.DASH

ORDER

09.09.2022

Order No.

13. 1. This matter is taken up through hybrid arrangement (virtual/physical mode).
2. None appears for the Appellants in this Appeal of the year 1998 when it is called.

Record reveals that for non-substitution of the legal representatives of Respondent No.2, the Appeal has been dismissed as against the said Respondent by order dated 27.03.2003. Keeping that in view the judgments passed by the Courts below being perused, it is seen that the Respondents here in this Appeal were the Defendants. They contested the Suit and Appeal jointly and they had claimed to have perfected their right, title and interest over the land in dispute by way of adverse possession. They have denied that the property in question was the exclusive property of Kalia. It is their stand that Kalia and Pardeshi were the joint owners and they have also then denied the averments made in the plaint as regards the gift made by Kalia to the Plaintiff. The Courts below have

concurrently answered the crucial issues in non-suiting the present Appellant, who had filed the suit as the Plaintiff. The said Respondent No.2 is said to have died on 18.10.1997 which is even prior to the institution of the Appeal and that is during pendency of the First Appeal prior to the completion of argument where also his legal representatives have not been brought on record. The First Appellate Court has dismissed the First Appeal and thus have confirmed the judgment and decree passed by the Court below.

3. In the above state of affair, this Appeal of said Respondent No.2 cannot proceed further for its disposal by answering the substantial questions of law.

4. Accordingly, the Appeal stands dismissed. No order as to cost.

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(*D. Dash*)
Judge

Himansu

