

IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P. No.316 of 2022

Seshadev Rout

....

Petitioner(s)

Mr. T. Nanda,
Advocate

-versus-

Collector, Bolangir & Anr.

....

Opposite Party(s)

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

CORAM:

JUSTICE BISWANATH RATH

ORDER

25.04.2022

Order No.

01. 1. Mr. Nanda, learned counsel for the Petitioner opposes entertainability of the application U/o.1 Rule 10 of C.P.C. by the trial Court on the premises of being moved by a wrong party. For the opinion of this Court, once a party is interested over the suit property and has any stake, it has to succeed on its own pleadings. Such orders are of prima facie in nature and ultimately merit involved therein is the subject matter of trial. For Mr. Nanda's submission that instead of Primary School on the other hand the High School should have come, if at all there is any suffering by such Institution involving the suit property, this Court finds, 3rd party has to succeed on its own case and plaintiff cannot feel prejudiced in such attempts.

In the circumstance, this Court declines to interfere in the impugned order.

2. The C.M.P. stands dismissed.

(Biswanath Rath)
Judge