

IN THE HIGH COURT OF ORISSA AT CUTTACK

RSA No.26 of 2017

Madhu Sudan Mahakur ***Appellant***
Bali Majhi & Another ***Respondents***
-versus-

CORAM:
MR. JUSTICE D.DASH

ORDER
20.10.2022

Order No.

- 05 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. Mr. A. Parija, learned counsel appearing in Court submits that as on the earlier date, i.e., 14.09.2022 he was appearing before this Court in virtual mode, due to some communication gap, his submission on behalf of Mr. Anurag Pati, learned counsel had been inadvertently taken to have been made in this Second Appeal and accordingly, the Court has so noted in its order on that date.
- He submits that on that date the relevant item where Mr. Pati had been engaged as learned counsel for the Respondent was Item No.59 (R.S.A. No.292 of 2004) and not this one which on that date was Item No.55. He, therefore, prays for expunging that part of the order, noting his submission as on 14.09.2022.
3. None appears for the Appellant when the matter is called. Record reveals that on the earlier date, none having appeared for the Appellant, providing an opportunity to the Appellant, this matter had been directed to be listed again and it is also seen that even prior to that the learned counsel for the Appellant was given the accommodation.

4. Accepting the submission of Mr. Parija, the prayer is allowed. The second sub-para of paragraph-2 of the order dated 14.09.2022 is hereby expunged. Correction is accordingly carried out.

In the above state of affairs, the Appeal stands dismissed for non-prosecution.

(D. Dash),
Judge.

Basu

