

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMAPL No.197 of 2020

Biswanath Panda

.... ***Petitioner***
Mr.D.K.Sahoo, Advocate

-versus-

M/S Dolagovinda Enterprisers

.... ***Opp. Party***
Mr.B.B.Behera, Advocate

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

01.11.2022

Order No.

03

I.A.NO.81 OF 2020

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. The Interlocutory Application has been filed for condonation of delay in filing CMAPL for restoration of RFA. Earlier notices were issued to the respondent.
3. Learned counsel appearing for the respondent is present and opposes the application for condonation of delay.
4. However, considering the facts pleaded in the Interlocutory Application is allowed and the delay in filing the appeal is condoned subject to payment of cost of Rs.1000/- (Rupees one thousand) to the learned counsel appearing for the sole respondent. Cost is paid in Court and accepted by the learned counsel for the sole respondent.

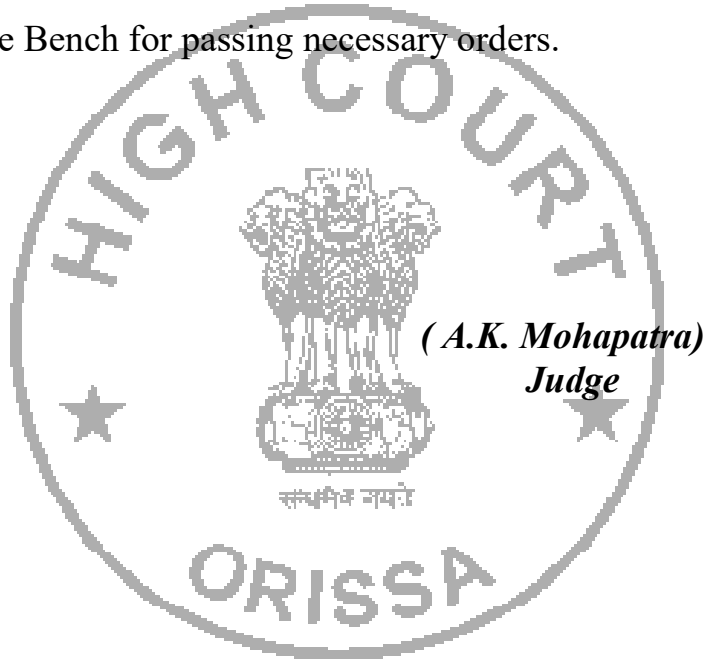
5. The I.A. is accordingly disposed of.

CMAPL No.197 of 2020

6. Heard learned counsel for the appellant as well as learned counsel for the sole respondent.

7. Considering the fact that the appeal was dismissed for non-compliance of the peremptory order and further submission of the learned counsel for the Petitioner that he was not aware of the peremptory order, the same could not be complied with within the time, this Court is inclined to allow the CMAPL.

8. Accordingly, RFA No.46 of 2012 be listed before the appropriate Bench for passing necessary orders.



RKS