

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP NO.13 OF 2017

Tribikram Jayasingh

....

Petitioner

Mr.A.P.Bose, Adv.

-versus-

Bijaya @ Bijan Dalai & ors.

....

Opposite Party(s)

Ms.P.Naidu, Adv.

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
16.2.2022**

**Order
No.**

6.

1. Heard learned counsel for the Parties.
2. For the nature of dispute that there has been filing of evidence in the form of affidavit bearing disclosures beyond pleading, for the opinion of this Court, there is no necessity for the Party opposite to it in asking for production of such document since it has the option open to challenge such evidence in absence of pleading in the ultimate argument of the case. It is in this view of the matter, this Court finds, there was no necessity for O.Ps. in filing the Application involved in the impugned order. This Court declining to interfere with the impugned order observes, the question raised regarding introduction of evidence in absence of pleading if acceptable or not is kept open if need to be raised at appropriate stage. Provided both the Parties cooperate with the trial court, the

C.S.No.57 of 2008 will be disposed of within a period of six months from the date of communication of this order. Interim order dated 11.1.2017 passed in Misc. Case No.13 of 2017 stands vacated.

3. The CMP thus stands disposed of.

(Biswanath Rath)
Judge

M.K.Rout

