

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.567 of 2016

Harekrushna Pradhan

....

Appellant

Mr. M. Mishra, Advocate

-versus-

Raj Kishore Pradhan and others

....

Respondents

Mr. A. Patnaik, Advocate and

Mr. S. K. Dey, Advocate for Respondent No.11-Bank

CORAM:

THE CHIEF JUSTICE

JUSTICE M.S. RAMAN

ORDER

08.12.2022

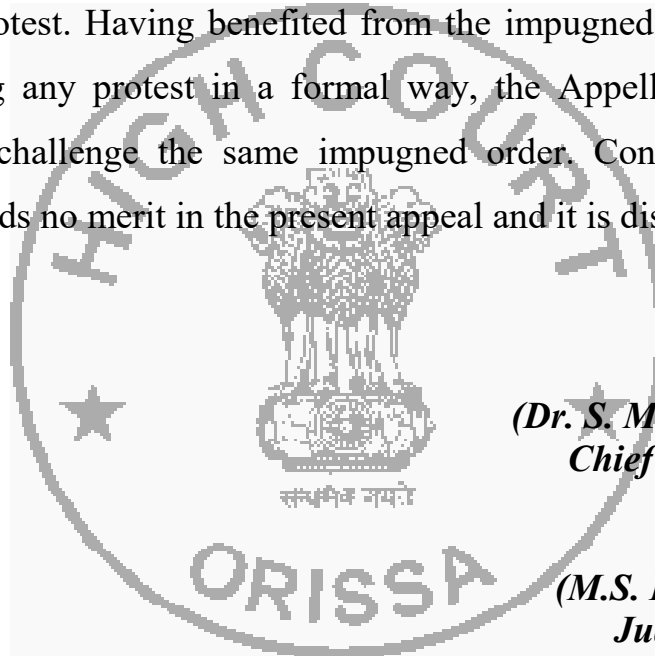
Order No.

01. 1. The challenge in the present writ appeal is to an order dated 28th July, 2016 passed by the learned Single Judge in W.P.(C) No.21622 of 2013 filed by Respondent Nos.1 and 2 herein in which the prayer was for a direction to the Respondent-Banks not to release the moneys in the account of their late father in favour of the legal heirs unless it was distributed equally.
2. It appears that by the impugned order, certain directions were issued by the learned Single Judge for distribution of the moneys including breaking open of the locker the key of which could not be found.
3. This Court is informed by the learned counsel appearing for the Banks as well as the other private Respondents, that the impugned order of the learned Single Judge was virtually a consent order and in fact all the legal heirs, including the present Appellant, have

received their respective shares as a result of the impugned order. In other words, the impugned order has already worked itself out.

4. When a query was posed to the learned counsel for the Appellant whether the Appellant had received his share in terms of the impugned order under protest, he claimed that he did not have any instructions in that matter.

5. There is no indication in the writ appeal that the Appellant took the money that fell to his share as a result of the impugned order under protest. Having benefited from the impugned order without recording any protest in a formal way, the Appellant cannot be seen to challenge the same impugned order. Consequently, the Court finds no merit in the present appeal and it is dismissed.



(Dr. S. Muralidhar)
Chief Justice

(M.S. Raman)
Judge