

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.5927 of 2004

Bhagat Moharana & Ors.

....

Petitioner(s)

Mr. B. Routray,
Sr. Advocate
Mr. J. Biswal,
Advocate

-versus-

State of Orissa & Ors.

....

Opposite Party(s)

Mr. U.K. Sahoo,
Addl. Standing Counsel

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
11.10.2022**

Misc. Case No.14979 of 2005

Order No.

06.

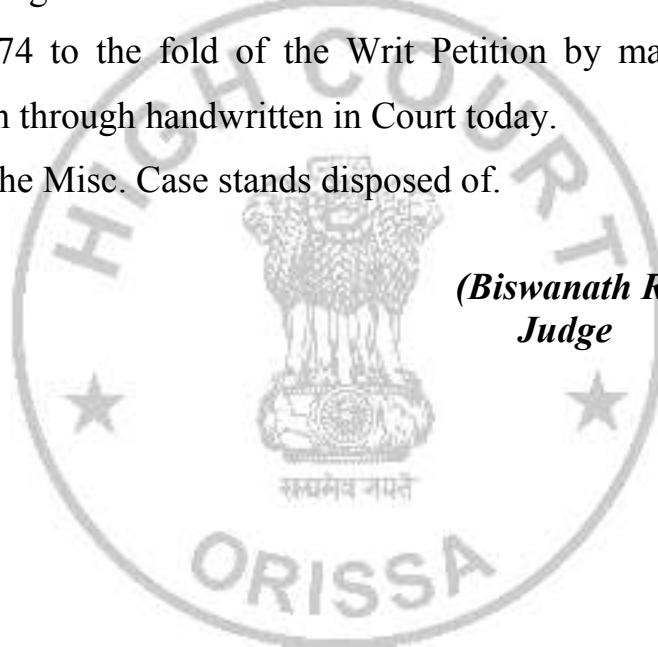
1. This Misc. Case has been filed for substitution as against the deceased Petitioner Nos.1 & 110.
2. Considering the averments made in this Misc. Case and as a 'VAKALATNAMA' is already filed on behalf of the L.Rs of the deceased Petitioner Nos.1 & 110, the application for substitution as against the deceased Petitioner Nos.1 & 110 is allowed.
3. Learned counsel for the substituted Petitioners is directed to bring the legal heirs of the deceased Petitioner Nos.1 & 110 to the fold of the Writ Petition by making necessary correction through handwritten in Court today.
4. The Misc. Case stands disposed of.

***(Biswanath Rath)*
Judge**

Misc. Case No.2741 of 2006

- 07.
1. This Misc. Case has been filed for substitution as against the deceased Petitioner Nos.6, 21, 22, 44, 62, 120 & 174.
 2. Considering the averments made in this Misc. Case and as a 'VAKALATNAMA' is already filed on behalf of the L.Rs of the deceased Petitioner Nos. 6, 21, 22, 44, 62, 120 & 174, the application for substitution as against the deceased Petitioner Nos. 6, 21, 22, 44, 62, 120 & 174 is allowed.
 3. Learned counsel for the substituted Petitioners is directed to bring the legal heirs of the deceased Petitioner Nos. 6, 21, 22, 44, 62, 120 & 174 to the fold of the Writ Petition by making necessary correction through handwritten in Court today.
 4. The Misc. Case stands disposed of.

(Biswanath Rath)
Judge



Later
08.

W.P.(C) No.5927 of 2004

1. This petition involves rejection of an application for calling for certain documents to support the case of the Plaintiffs.
2. Taking this Court to the pleadings available at paragraph no.3 onwards at page 40 of the brief there is attempt to establish existence of pleadings involving the permission letter dated 10.05.1950 in Misc. Case No.399 of 1949-50. On entire reading of the plaint averments this Court nowhere finds any pleadings on the Collector's permission dated 12.07.1950 in Misc. Case No.113 of 1950-51. Undisputedly there is closure of evidence from the side of the Plaintiffs. This Court finds, there is no relevancy of such document as the Plaintiffs have already concluded their evidence without these documents and in the event the suit is still pending, further in the event such document is required for effective adjudication of the dispute involved herein, copy of which can be obtained by the Plaintiffs through the statutory forums available for the said purpose presently and as a consequence there can be request for re-opening of its evidence. Opportunity to reopen the evidence of the Plaintiffs may be kept open, but subject to however, the Petitioners obtain such document within six weeks hence.
3. With the above observation this Writ Petition is disposed of.
4. Since the suit is of the 1988, the same should be disposed of within a period of four months from the date of communication of a certified copy of this order by the Petitioners. This order will be worked out subject to the condition that the suit still survives.

(Biswanath Rath)
Judge