

IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P. No.388 of 2022

Dr.Sudhanshu Sekhar Singh

Petitioner(s)
Mr.Ajit Ch.Mohapatra,
Advocate

-versus-

State Bank of India & Ors.

Opposite Party(s)

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
11.05.2022**

Order No.
01

1. Heard learned counsel appearing for the petitioner.
2. This Civil Miscellaneous Petition involves rejection of an application at the instance of the plaintiff in an attempt under provision of Order 13, rule 1 of the Code of Civil Procedure to call for the documents enlisted at page- 35 of the brief. In objection to the impugned order in rejecting such application by the trial court, Mr.Mohapatra, learned counsel for the petitioner attempted to submit that since the dispute involves a loan account, whatever document involved loan account ought to be called for. It is in his such Submission, Mr.Mohapatra, learned counsel prayed this Court for interfering in the impugned order for trial court not applying its mind in considering such application in the line of submission made herein.
3. Considering the submission of Mr.Mohapatra, learned counsel and on perusal of whole pleading in the plaint, this Court nowhere finds any reference to any of the document enlisted at page 35 of the brief. Further, even though the plaint list of document discloses number of documents being relied on by the plaintiff, from its pleading none of the document enlisted at page-35 of the brief finds place there.

4. In the circumstance, this Court observes in absence of any foundation to any of these documents by way of pleading in the plaint further in absence of contingency even involving plea involving such documents in the written statement and the defendant avoiding to produce such document, this Court finds there is no substance in the submission of learned counsel for the petitioner. It is at this stage of the matter, Mr.Mohapatra, learned counsel for the petitioner wants to withdraw the Civil Miscellaneous Petition to avail such remedy at appropriate stage. Considering the request for withdrawal, this Court permits the withdrawal of the Civil Miscellaneous Petition.

5. Consequently, the Civil Miscellaneous Petition stands withdrawn.

(Biswanath Rath)
Judge

Sks

