

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CMP No. 400 of 2022**

***M/s Saraogi Udyog (P) Ltd.*** ..... ***Petitioner***

Mr. Ramakanta Mohanty, Senior Advocate  
being assisted by Mr. Sohan Mishra

*-versus-*

***M/s Ganesh Ores (P) Ltd.*** ..... ***Opp. Party***

Mr. Pabitra Kumar Nayak, Advocate

**CORAM:**

**JUSTICE K.R. MOHAPATRA**

**ORDER**

**13.07.2022**

**Order No.**

4. 1. This matter is taken up through Hybrid mode.
2. Mr. Mohanty, learned Senior Advocate enters appearance on behalf of the Petitioner by filing memo of appearance in Court, which is taken on record.
3. This CMP has been filed challenging the order dated 30<sup>th</sup> March, 2022 (Annexure-1) passed by learned 1<sup>st</sup> Additional District and Sessions Judge, Rourkela rejecting an application filed under Section 14 of the Limitation Act, 1963 in RFA No.05 of 2021 for condonation of delay in filing the Appeal and consequential dismissal of the appeal.
4. Mr. Nayak, learned counsel for the Opposite Party placed reliance on *AIR 2005 SC 226 (Shyam Sundar Sarma Vs. Pannalal Jaiswal and others)* and two subsequent decisions of this Court reported in *2017 (II) CLR 238 (Jagabandhu Samal Vs. Rabi Samal and others)* and *2020 (I) ILR-CUT-420 (Sandhya Rani Majhi Vs. Champa Bewa and*

*another*) in support of his case and submits that the CMP is not maintainable.

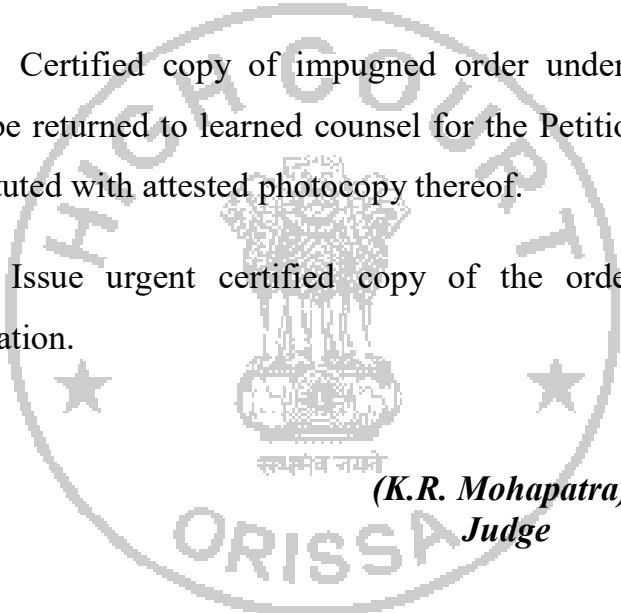
5. However, Mr. Mohanty, learned Senior Advocate prays for withdrawal of the CMP seeking liberty to avail appropriate remedy under Section 100 CPC.

6. Accordingly, the CMP is dismissed as withdrawn.

7. Interim order dated 12<sup>th</sup> May, 2022 passed in IA No.460 of 2022 stands vacated.

8. Certified copy of impugned order under Annexure-1 shall be returned to learned counsel for the Petitioner on being substituted with attested photocopy thereof.

Issue urgent certified copy of the order on proper application.

  
(K.R. Mohapatra)  
Judge