

IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P. No.405 of 2022

Duryodhan Pattnaik

....

Petitioner(s)

Mr. R.K. Rout,
Advocate

-versus-

State of Odisha & Anr.

....

Opposite Party(s)

CORAM:

JUSTICE BISWANATH RATH

ORDER

17.05.2022

Order No.

01.

1. Heard the submission of Mr. Rout, learned counsel for the Petitioner.

2. Considering the stage of bringing in the application U/o.26 Rule 9 of C.P.C. involving a controversy as to who is in possession of the disputed property, when the plaintiff claims he is in possession and the defendants through the material has attempted to establish that the plaintiff is not in possession, this Court is of the view that unless the parties bring oral evidence, there is no possibility of such an application.

In the circumstance, this Court finds, the application involved herein was premature and has been rightly rejected. There is no scope for interfering in such orders. Petitioner has, however, liberty to bring such application at appropriate time and if it is so required.

3. The C.M.P. stands dismissed.

(Biswanath Rath)
Judge