

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12088 of 2022

Saraswati Jena

....

Petitioner

Mr. Niranjan Panda, Advocate

-versus-

***Regional Manager, SBI, BBSR
and others***

....

Opposite Parties

Mr. M.K. Mohapatra, Advocate

CORAM: JUSTICE ARINDAM SINHA

**ORDER
17.07.2023**

I.A. no.12871 of 2022

**Order
No.**

5.

1. Mr. Mohapatra, learned advocate appears on behalf of applicants, who were opposite party nos. 1 and 2 in the writ petition, disposed of by order dated 29th July, 2022. He submits, his clients have applied for recall of said order dated 29th July, 2022. His first ground is that the notice was received by opposite party no.2 on 26th July, 2022. His second ground is that opposite party no.1 was not a proper party for direction to be made upon it by said order dated 29th July, 2022.

2. Mr. Panda, learned advocate appears on behalf of writ petitioner and opposes the application.

3. Record bears AD cards and postal tracking report. There was good service on all opposite parties. Opposite party no.1 received the postal article on 16th July, 2022 as reflected in the AD card. Opposite party no.2 received the postal article on 15th July, 2022, as confirmed

by the tracking report. In the circumstances, it is of no matter that opposite party no.2 put stamp on contents of the postal article saying 'Dak received on 26th July, 2022'. Even if that were so, nothing prevented opposite party no.2 from appearing at the time of call since the writ petition was carried in the list from 19th July, 2022. In this context text of order dated 28th June, 2022 is reproduced below.

"1. Mr. Panda, learned advocate appears on behalf of petitioner and submits, his client obtained loan from the bank. It has been repaid in full. Yet the bank has refused, failed and neglected to issue no due certificate. Hence, his client has moved Court.

2. Issue notice along with this order on opposite parties by registered/speed post with A.D. Petitioner will put in requisites.

3. List on 19th July, 2022."

4. Applicant has not been able to render satisfaction that it was deprived of opportunity of hearing. In the circumstances, no ground for recalling the order has been made out. Direction made by said order dated 29th July, 2022 was on either or opposite party nos. 1 and 2. In the circumstances, opposite party no.1 even if not a proper party as submitted, does not make it an unnecessary party.

5. The application is dismissed.

(Arindam Sinha)
Judge

Sks

Signature Not Verified

Digitally Signed
Signed by: SISIR KUMAR SETHI
Designation: PERSONAL ASSISTANT
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 17-Jul-2023 18:46:17

