

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 167 of 2015

CESCO, represented through its Chief Executive Officer* *Appellant

Mr. Bibudhendra Dash, Advocate
-versus-

Souri Bai (Since dead) represented by his Legal heir and others* *Respondents

Mr. P.K. Swain, Advocate
Mr. M.R. Dhal, Advocate for Respondent No.5-GRIDCO

**CORAM:
THE CHIEF JUSTICE
JUSTICE M.S. RAMAN**

**ORDER
14.12.2022**

Order No.

04

I.A. No.3865 of 2022

1. For the reasons stated therein, the application for substitution vice deceased Respondent No.1 is allowed.
2. The deceased Respondent No.1 is substituted as prayed for.

W.A. No.167 of 2015

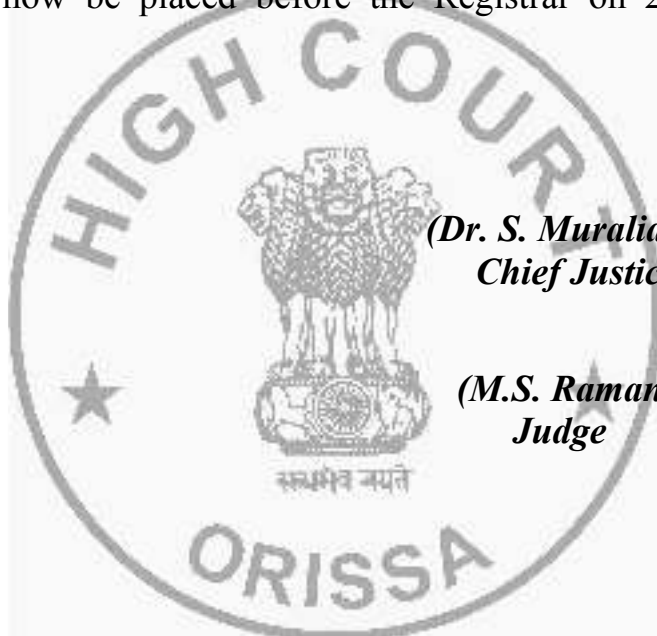
3. The present writ appeal arises from an order of the learned Single Judge in CMP No.1006 of 2014 which in turn was a challenge to an order passed by the Additional District Judge, Bhubaneswar in FAO No.74 of 2009.

4. In view of the decision of the Full Bench of this Court in ***Mahammed Saud v. Dr. (Maj) Shaikh Mahfooz 2008(II) OLR (FB) 725*** as affirmed by the Supreme Court in ***Mahammed Saud v.***

Dr. (Maj) Shaikh Mahfooz (2010) 13 SCC 517 the present writ appeal is not maintainable as an intra-Court appeal.

5. Consequently, leaving it to the Appellant to seek other appropriate remedies in accordance with law, the present writ appeal is dismissed on the ground of maintainability.

6. The amount deposited in this Court together with any interest thereon be released by the Registry forthwith to the Respondent Nos.1 to 4 upon proper identification. For this limited purpose, the matter will now be placed before the Registrar on 2nd January, 2023.



S. Behera