

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 276 of 2021

Pabitra Kumar Panda

..... Petitioner

Mr. Prasanna Kumar Rath, Advocate

-versus-

Basant Kumar Panda and others

.... Opp. Parties

Mr. Suvashish Pattanaik, Advocate
(For Opposite Party No.1)

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

23.08.2022

Order No.

3.
 1. This matter is taken up through Hybrid mode.
 2. Petitioner in this CMP seeks to assail the order dated 5th April, 2021 (Annexure-10) passed by learned Senior Civil Judge, Bhubaneswar in refusing to recall the order dated 28th January, 2021 passed in Final Decree Proceeding of CS No.986 of 2018.
 3. Mr. Pattnaik, learned counsel for the Opposite Party No.1 submits that after the final decree was drawn up ROR pursuant to the said final decree has already been prepared in the name of the parties. Hence, the CMP has become infructuous.
 4. Mr. Rath, learned counsel for the Petitioner, however, submits that the Petitioner has the remedy to assail the final decree itself by filing a properly constituted appeal.

5. In view of the above, this Court, without expressing any opinion on merit of the submission made by learned counsel for the Petitioner, disposes of the CMP as infructuous.

(K.R. Mohapatra)
Judge

s.s.satapathy

