

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 439 of 2022

Rajendra Prasad Mohapatra* *Petitioner

Mr.S.K.Dwivedy, Advocate
on behalf of Mr. S.K.Das-2, Advocate

-versus-

***Ananta Kumar @ Prasad Mohapatra* *Opp. Parties*
*and others.***

Mr. Pabitra Kumar Nayak, Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

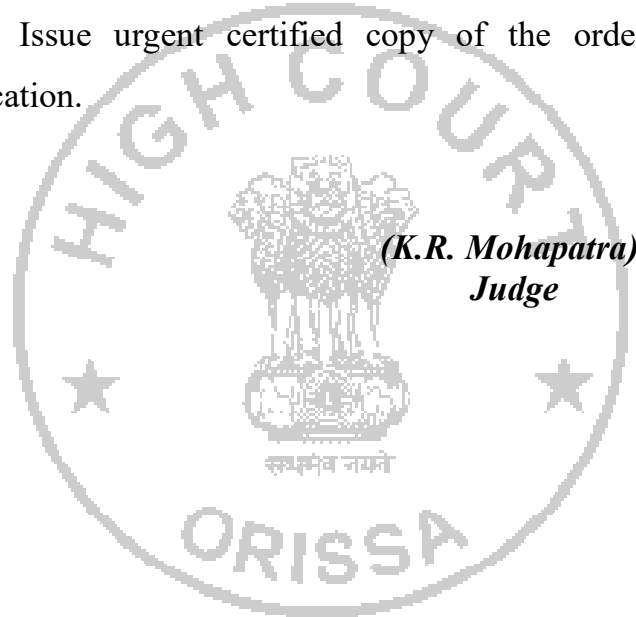
13.07.2022

Order No.

3. 1. This matter is taken up through Hybrid mode.
2. Petitioner in this CMP seeks setting aside or order dated 4th May, 2022 (Annexure-1) passed by learned Civil Judge (Senior Division), Balasore in CS No.188 of 2014-I, whereby an application filed by the Plaintiff/Opposite Party No.1 under Order VI Rule 17 CPC was allowed.
3. Although Mr. Dwivedy, learned counsel appearing on behalf of learned counsel for the Petitioner made elaborate submission assailing the sustainability of the impugned order under Annexure-1, in course of hearing, he submits that interest of justice will be best served if the Petitioner/Defendant No.1 files written statement stating the property directed to be incorporated in the Schedule of the plaint to be his self-acquired property and in that event a direction may be issued to frame an issue in that regard.

4. In view of such submission, without interfering with the impugned order under Annexure-1, the CMP is disposed of with a direction that in the event Petitioner/Defendant No.1 files written statements within a period of thirty days hence stating that the property so incorporated by virtue of the amendment, is self-acquired property of the Petitioner, an issue to that effect be framed by learned trial Court and the parties may be allowed to adduce evidence in support of their respective cases.

Issue urgent certified copy of the order on proper application.



(K.R. Mohapatra)
Judge

s.s.satapathy