

IN THE HIGH COURT OF ORISSA AT CUTTACK

WA No.282 of 2019

Budharam Lakra

....

Appellant

None

-versus-

State of Odisha and others

....

Respondents

Mr. Biswajit Das, Advocate for Respondent Nos.2 to 11
(Applicants in I.A. No.3964 of 2022)

Mr. Debakanta Mohanty, A.G.A. for the State

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

**ORDER
17.01.2023**

Order No.

19.

I.A. No.3964 of 2022

1. The present application is on behalf of Respondent Nos.2 to 11 in W.A. No.282 of 2019 seeking recall of the judgment dated 3rd November 2022 passed by this Court in W.A. No.282 of 2019.

2. It is stated that the aforementioned writ appeal was finally heard on 27th October 2022 and judgment was reserved. The judgment was finally pronounced on 3rd November, 2022. It stated that on 27th October 2022, when the writ appeal was finally heard, learned counsel for Respondent Nos.2 to 11 could not attend the Court hearing “due to Orissa High Court Bar Association (OHCBA) Resolution”.

3. It is stated that the queries raised by the Court at the previous hearing on 26th September 2022 could not be addressed “owing to

lack of just assistance of the learned counsel for Respondent Nos.2 to 11” and therefore the judgment dated 3rd November 2022 should be recalled.

4. It must be noticed here that Respondent Nos.2 to 11 i.e., the Applicants were earlier represented by different counsel and have now filed the present application through another set of counsel. Mr. Biswajit Das, learned counsel appearing for the Applicants submits that learned counsel for Respondent Nos.2 to 11 was physically prevented from attending the Court on 27th October, 2022. Mr. Das is unable, however, to dispute the fact that the Court was entertaining matters on that date in hybrid mode as well as physical mode. In fact, as far as the hearing of the present W.A. No.282 of 2019 was concerned, learned counsel for the Appellant as well as learned Additional Government Advocate were both physically present in Court. The Court did not see anyone being physically prevented from entering the Court.

5. Further, several matters were dealt with not only physically, but in virtual mode as well. Several counsel appeared in virtual mode and matters were disposed of. Therefore, the plea on behalf of the Applicants that their counsel was unable to attend the hearing on 27th October 2022 is unacceptable to this Court.

6. The Court is therefore is not persuaded to recall the judgment dated 3rd November 2022 on the above basis. It must be noted here that the written notes of submissions filed by Respondent Nos.2 to 11 were taken note of while pronouncing the judgment and a mention was made to this effect in para 17 of the said judgment.

7. For the aforementioned reasons, the I.A. is dismissed.

(Dr. S. Muralidhar)
Chief Justice

(M.S. Raman)
Judge

S.K. Guin

