

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 559 of 2022

Rohita Meher and others* *Petitioners

Mr.Amit Prasad Bose, Advocate

-versus-

Teka Meher and others.* *Opp. Parties

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
13.07.2022**

Order No.

1. This matter is taken up through Hybrid mode.
2. Petitioner in this CMP seeks to assail the order dated 31st March, 2022 (Annexure-1) passed by learned Civil Judge (Junior Division), Bargarh in CS No.34/104 of 2011 (CS No.0001335/2014), whereby an application under Order XXVI Rule 9 CPC filed by the present Petitioners has been rejected.
3. Mr. Bose, learned counsel for the Petitioners although made elaborate submission assailing the sustainability of the impugned order under Annexure-1, however, in course of hearing, he submits that interest of justice will be best served if the Petitioners move an application at the closure of evidence of both parties, if the same is required.
4. In view of such submission, without delving into the merits of the impugned order, this Court, disposes of the CMP with an observation that the Petitioners (Defendants before the trial Court), if so advised, may file an application under Order XXVI Rule 9 CPC at the closure of evidence from both sides, if required. In that event, learned Civil Judge (Junior Division),

Bargarh shall do well to consider the same on its own merit without being influenced by the observation, if any, made in the impugned order under Annexure-1.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge



s.s.satapathy