

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**CMP No. 571 OF 2022**

***Smt. Sobha Mallick and others***

***Petitioners***  
Mr. P. Panda, Advocate

-versus-

***Pramila Mallick and others***

.... ***Opp. Parties***

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

**ORDER**  
**27.07.2022**

**Order No.**

2.
  1. This matter is taken up through hybrid mode.
  2. The Petitioners in this CMP seek to assail the order dated 19<sup>th</sup> April, 2022 (Annexure-1) passed by the learned Civil Judge (Junior Division), Jagatsinghpur in C.S. No.51 of 2018 directing personal appearance of Plaintiff No.6.
  3. Mr. Panda, learned counsel for the Petitioner submits that in course of examination of the witnesses by the Defendants, an application under Order V Rule 3(2) C.P.C. has been filed by them to seek personal appearance of Plaintiff No.6, who is allegedly not heard of since last more than thirty years. It is his submission that learned Civil Judge without complying with the procedure by issuing notice in Form No.3 of Appendix-B, has compelled the Plaintiffs to cause appearance of Plaintiff No.6. Hence, the impugned order is not sustainable in the eyes of law.
  4. Upon hearing learned counsel for the Petitioners, it appears that the Court has passed an order for personal

appearance of the Plaintiff No.6 and issuance of notice in Form No.3 of Appendix-B is consequential to the said order. Hence, this Court expects that the procedure for causing appearance of the Plaintiff No.6 will be followed by learned trial Court by issuing notice in proper format.

5. With the aforesaid observation, this CMP is disposed of.

Urgent certified copy of this order be granted on proper application.

**(K.R. Mohapatra)**  
**Judge**

ms

