

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 615 OF 2022

Sri Bandan Kumar Mahapatra* *Petitioner

Mr. Goutam Kumar Acharya, Senior Advocate
being assisted by Mr. B. Das, Advocate

-versus-

Sri Bijan Kumar Mahapatra and others* *Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

22.08.2022

Order No.

- 01.
1. This matter is taken up through hybrid mode.
 2. This CMP has been filed assailing the order dated 28th June, 2022 (Annexure-6) passed by learned Civil Judge (Senior Division), Puri in Civil Suit No.892 of 2015/58 of 2022, whereby an application under Section 10 read with Section 151 C.P.C. was rejected.
 3. Mr. Acharya, learned Senior Advocate submits that the application under Section 10 C.P.C. was in fact is a misconceived application as it was in respect of part of the relief prayed for in the suit. He, therefore, submits that interest of justice will be best served if the Plaintiff-Petitioner files a properly constituted application under Section 10 C.P.C. and prays for withdrawal of the CMP.
 4. In view of such submission, the CMP is disposed of as withdrawn with an observation that if a properly constituted application under Section 10 C.P.C. is filed, the same may be

considered on its own merits giving opportunity of hearing to the parties concerned.

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

(K.R. Mohapatra)
Judge

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