

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMAPL No. 277 of 2022

Urmila Sahoo

..... Petitioner

Mr. Nirasundar Panda, Advocate

-versus-

State of Odisha and others

.... Opp. Parties

Mr. Dillip Kumar Mishra,
Additional Government Advocate
(For Opposite Party Nos.1 and 2)

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

Order No.

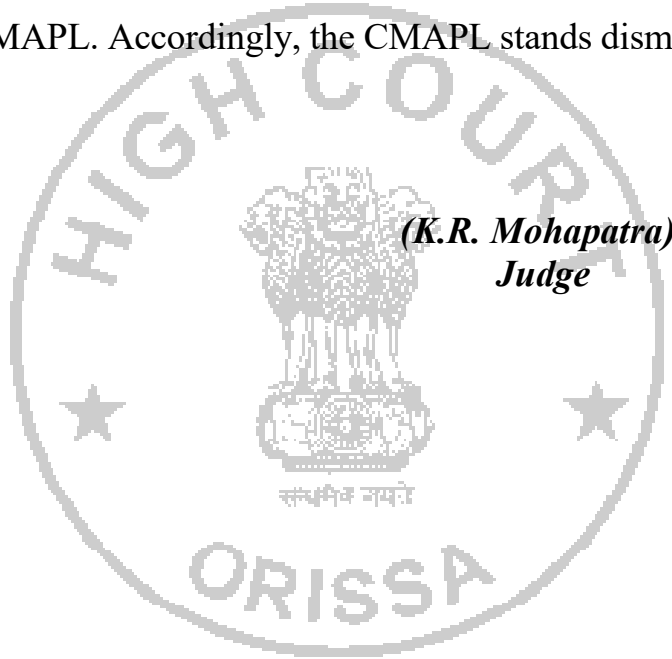
**ORDER
05.09.2022**

IA No.131 of 2022 & CMAPL No. 277 of 2022

2. 1. This matter is taken up through Hybrid mode.
2. 2. The CMAPL has been filed to recall order dated 6th September, 2019 by which the CMP No.741 of 2018 was dismissed for default.
3. 3. Office has pointed delay of 1018 days in filing the present CMAPL.
4. 4. Mr. Panda, learned counsel for the Petitioner submits that due to outbreak of COVID-19 and continuous lockdown, the Petitioner could not know about status of the case. He, however filed several memorandum to list the matter. As the matter was not be listed, he enquired about the same and came to know that the case has been dismissed pursuant to peremptory order dated 26th August, 2019 due to non-filing of requisites for issuance of notice to proforma Opposite party No.3 in the CMP. However,

perusal of averments made in the application for condonation of delay does not reveal as to when the Petitioner could know about dismissal of the CMP for non-compliance of peremptory order dated 26th August, 2019. It further reveals that the Petitioner has not taken any diligent step to comply with such peremptory order. There was no threat of COVID-19 either on the date of passing of the peremptory order or when the matter was dismissed for non-compliance of the same.

5. In that view of the matter, I am not inclined to entertain the CMAPL. Accordingly, the CMAPL stands dismissed.



s.s.satapathy