

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CMP No. 926 OF 2019**

***Basudev Sahu (Since dead substituted by his legal heirs) .... Petitioner***

Mr. A.S. Nandy, Advocate

*-versus-*

***Trilochan @ Lochana Sahu and others .... Opp. Parties***

Mr. J. R. Dash, Advocate

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

**ORDER  
04.08.2022**

**Order No.**

7.
  1. This matter is taken up through hybrid mode.
  2. The Petitioner in this CMP seeks to assail the order dated 7<sup>th</sup> January, 2019 passed by learned Additional District & Sessions Judge, Athamallik in F.A.O. No.02 of 2018, whereby he confirmed the order dated 7<sup>th</sup> October, 2016 passed by learned Civil Judge (Senior Division), Athamallik in I.A. No.13 of 2016 (arising out of C.S. No.44 of 2016) filed by the Opposite Party Nos.3 and 4 under Order XXXIX Rules 1 and 2 C.P.C.
  3. On perusal of the record, it appears that the original Petitioner, namely, Basudev Sahu was not an applicant in I.A. No.13 of 2016. He is an Opposite Party in the said I.A. Since the I.A. No.13 of 2016 was dismissed and the said order has been confirmed in F.A.O. No.02 of 2018, neither the Petitioner nor his legal heirs (present Petitioners) cannot maintain the CMP.
  4. Accordingly, this CMP stands dismissed.

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