

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 651 of 2022

Neetikusum Dagara and others* *Petitioners

Mr. Prafulla Kumar Rath, Advocate

-versus-

Sidheswar Matha Parichalana Samity, *Opp. Party*
Bhubaneswar

Mr. Sambit Rath, Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

28.09.2022

Order No.

6. 1. This matter is taken up through hybrid mode.
2. This CMP has been filed assailing the order dated 24th February, 2012 (Annexure-1) passed by learned Additional Civil Judge (Senior Division), Bhubaneswar in CS No.296/525 of 2010/2008, whereby an application under Order XIV Rule 2 CPC has been rejected.
3. In course of hearing, Mr. Rath, learned counsel for the Petitioners submitted the order rejecting an application under Order XIV Rule 2 CPC is revisable, as the maintainability of the suit was in question. In that view of the matter, he prays for withdrawal of the CMP seeking liberty to file a properly constituted revision under Section 115 CPC. He further submitted that delay in filing the revision may be liberally considered.

4. In view of the submission made by learned counsel for the Petitioners, this Court disposes of the CMP as withdrawn. In the event Petitioners file a revision under Section 115 CPC within a period of two weeks hence, the delay in filing the same shall be liberally considered taking into consideration the period of pendency of the CMP before this Court from 22nd July, 2022 till date along with other grounds.

5. Interim order dated 6th August, 2012 passed in Misc. Case No.10993 of 2012 stands vacated.

6. Certified copy of the impugned order shall be returned to learned counsel for the Petitioners on being substituted with attested photocopy thereof.

Issue urgent certified copy of the order on proper application.

