

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 652 OF 2022

Sujestha Sahoo and others* *Petitioners

Mr. Amit Prasad Bose, Advocate

-versus-

Kailash Chandra Sahoo and others* *Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

04.08.2022

Order No.

1. This matter is taken up through Hybrid mode.
2. Petitioners in this CMP seek to assail the order dated 16th March, 2022 (Annexure-1) passed by learned Civil Judge (Senior Division), Chandikhole in CS No.248 of 2019, whereby an application filed by the Petitioners under Order I Rule 10 read with Section 151 CPC has been rejected.
3. In course of hearing Mr. Bose, learned counsel for the Petitioners submits that since the suit has been filed on the basis of consolidation ROR and the same is under challenge by the Petitioners in revision, i.e., RP No.83 of 2021 under Section 37 of the Odisha Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972 (for short, 'the Act'), which is pending for adjudication, they may have a right to intervene if the revision is decided in their favour. He, therefore prays for withdrawal of the CMP seeking liberty to renew the prayer if fresh cause of action arises.
4. In view of such submission, the CMP is disposed of as withdrawn with an observation that if fresh cause of action

arises, Petitioners may renew their prayer for intervention in the suit and in that event, learned Civil Judge (Senior Division), Chandikhole may consider the same on its own merit giving opportunity of hearing to the parties concerned.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge



s.s.satapathy