

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 659 OF 2022

Sri Niranjan Behera and others* *Petitioners
Mr. Biswajit Mohapatra, Advocate
-versus-

Sri Pratap Chandra Behera and others* *Opp. Parties

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER

Order No.

26.08.2022

01. 1. This matter is taken up through hybrid mode.
2. The Petitioners in this CMP seek to assail the order dated 13th April, 2021 (Annexure-4) passed by learned Senior Civil Judge, Nilgiri in I.A. No.17 of 2021 (arising out of C.S. No.40 of 2021), whereby an application filed by the Opposite Parties under Order XXXIX Rules 1 and 2 C.P.C. was allowed.
3. In course of hearing, Mr. Mohapatra, learned counsel for the Petitioners submits that the order impugned herein is appealable one under Order XLIII Rule 1(r) C.P.C.. Hence, he prays for withdrawal of the CMP to avail the statutory remedy.
4. In view of such submission, the CMP is disposed of as withdrawn.
5. Certified copy of Annexure-4 be returned to learned counsel for the Petitioner on substitution of attested photocopy thereof.

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

(K.R. Mohapatra)
Judge