

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.19001 of 2022

Siba Sankar Sahoo

....

Petitioner(s)

Mr. A.Pr. Mishra,
Advocate

-versus-

State of Odisha & Ors.

....

Opposite Party(s)

Mr. S. Mishra,
Addl. Standing Counsel

CORAM:

JUSTICE BISWANATH RATH

ORDER

25.01.2023

I.A. No.971 of 2023

Order No.

02.

1. This I.A. is filed for modification of the judgment of this Court dated 12.09.2022 passed in W.P.(C) No.19001 of 2022.
2. Through this application Mr. Patnaik, learned counsel for intervenor alleged that though there is no dispute that position of law involving registration of instruction on the basis of 'WILL' has been settled thereby not requiring probate of 'WILL' for the area involved, however on the footing that the 'WILL' is not workable the intervenor-Petitioner has already approached the Civil Court through C.S. No.99 of 2021, which is sub-judiced as of now. It is, in this situation of the matter, this Court considering the application for modification of the final judgment in the writ petition observes, there is no requirement of modification of the judgment dated 12.09.2022 passed in W.P.(C) No.19001 of 2022, except making it clear that registration, if any, involving the instrument involved in the writ petition shall, however, ultimately be abided by the decision involving C.S. No.99 of 2021.

3. With the above order the I.A. stands disposed of.

(Biswanath Rath)
Judge

Ayaskanta Jena

