

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 696 OF 2022

Khitisuta Naik

....

Petitioner

Mr. Pabitra Kumar Nayak, Advocate

-versus-

Khirod Patel and others

....

Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

16.09.2022

Order No.

I.A. No.951 of 2022

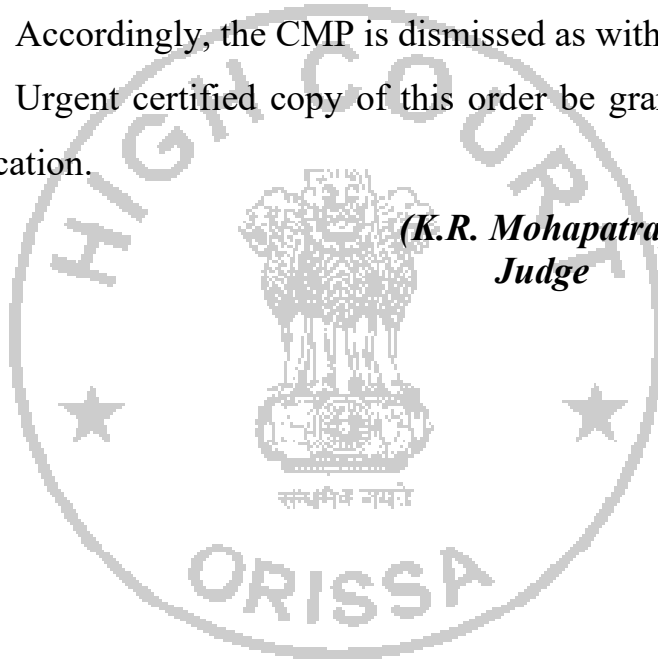
- 3.
1. This matter is taken up through hybrid mode.
 2. This is an application filed by the Petitioner under Section 14 of the Limitation Act, 1963 to condone delay in filing the CMP.
 3. It is submitted by learned counsel for the Petitioner that assailing the order impugned herein, the Petitioner filed Civil Revision No.1 of 2018 before learned District Judge, Jharsuguda. Subsequently, the Petitioner realizing that civil revision is not maintainable under Section 151 C.P.C. withdrew the civil revision on 4th July, 2022 and filed this CMP on 5th August, 2022. Hence, delay in filing the CMP may be condoned.
 4. Considering the submission made by learned counsel for the Petitioner and on perusal of the averments made in the I.A., delay in filing the CMP is condoned.
 5. I.A. is accordingly disposed of.

(K.R. Mohapatra)
Judge

CMP No.696 of 2022

4. 1. The Petitioner in this CMP seeks to assail the order dated 22nd November, 2017 (Annexure-5) passed by learned Civil Judge (Junior Division), Jharsuguda in Civil Suit No.32 of 2012, whereby an application filed under Order XIV Rule 5 C.P.C. to frame an additional issue with regard to previous partition was rejected.
2. In course of hearing, Mr. Nayak, learned counsel for the Petitioner prays for withdrawal of CMP.
3. Accordingly, the CMP is dismissed as withdrawn.
- Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge



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