

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No. 751 OF 2022

Sakuntala Sasmal @ Baral ***Petitioner***

Mr. Sidhartha Mishra, Advocate

-versus-

State of Odisha and another ***Opp. Parties***

Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
31.10.2022

Order No.

3.
 1. This matter is taken up through hybrid mode.
 2. The Petitioner in this CMP seeks to assail the order dated 1st December, 2021 (Annexure-5) passed by learned Additional District Judge, Nimapara in F.A.O. No.21 of 2021, whereby learned appellate Court dismissing the appeal, confirmed the order dated 20th September, 2021 (Annexure-4) passed by learned Civil Judge (Senior Division), Nimapara in I.A. No.97 of 2021 (arising out of C.S. No.166 of 2021) refusing to entertain an application under Order XXXIX Rules 1 and 2 C.P.C.
 3. In course of hearing, Mr. Mishra, learned counsel for the Petitioner prays for withdrawal of the CMP submitting that interest of justice will be best served, if the Petitioner moves appropriate application, if fresh cause of action arises.
 4. In view the submission made by learned counsel for the Petitioner, this Court without expressing any opinion on the

merits of the submission made by learned counsel for the Petitioner disposes of the CMP as withdrawn.

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

(K.R. Mohapatra)
Judge

ms

