

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 755 of 2022

Lagatram Bhue

..... Petitioner

Mr. Kabir Kumar Jena, Advocate

-versus-

Meka Krishna

.... Opp. Party

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

10.10.2022

Order No.

3.

1. This matter is taken up through hybrid mode.
2. Petitioner in this CMP seeks to assail the order dated 20th July, 2022 (Annexure-7), whereby applications filed by the Defendant to accept certain documents and to send certain documents to the expert for comparison, have been rejected by learned Civil Judge (Senior Division), Bargarh.
3. It is submitted by Mr. Jena, learned counsel for the Petitioner that the matter was posted to 6th July, 2022 for objection and hearing of both the petitions, on which date the Plaintiff filed objections to the Petitions and the matter was posted to 14th July, 2022 for hearing of the petitions. On that date, learned counsel for the Petitioner filed an application for adjournment (Annexure-6). But learned trial Court, without affording any opportunity, posted the matter to 19th July, 2022 for orders and the impugned order was passed on 20th July, 2022. It is his submission that although evidence from the side of the Plaintiff is closed, but evidence from the side of the

Defendant has not yet commenced. Hence, the Petitioner should be given another opportunity to place his case.

4. In course of hearing, Mr. Jena, learned counsel for the Petitioner submits that interest of justice will be best served if the Petitioner/Defendant files an application for recall order dated 20th July, 2022 and to afford him opportunity of hearing. He further prays for a direction to learned trial Court to consider the said application in accordance with law.

5. In view of the innocuous nature of the prayer made by learned counsel for the Petitioner, this Court disposes of the CMP with an observation that in the event the Petitioner files an application for recall of order dated 20th July, 2022 within a period of two weeks hence, the same may be considered in accordance with law before proceeding with the suit. It is made clear that that this Court has not expressed any opinion on the merit of the submission made by learned counsel for the Petitioner.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge