

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No. 758 OF 2022

Smt. Kamala Mohanty and another* *Petitioners
Mr. Dwarika Prasad Mohanty, Advocate
-versus-

Saroj Kumar Mohanty and others* *Opp. Parties

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
21.09.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Defendant Nos.47 and 48 have filed this CMP assailing the order dated 20th July, 2022 (Annexure-4) passed by learned 1st Senior Civil Judge, Balasore in Civil Suit No.311 of 1993 (FD), whereby an application filed by the present Petitioners for allotment of 1/8th share in their favour has been rejected.
3. Mr. Mohanty, learned counsel for the Petitioners fairly concedes that the Defendant Nos.47 and 48 were set *ex parte* and no share has been allotted in their favour in the preliminary decree. Assailing the same, they filed R.F.A. No.11 of 2021, which is pending before learned District Judge, Balasore. In that view of the matter, he submits that interest of justice will be best served, if the Petitioners renew their prayer for allotment of share, in the event they succeed in the appeal.
4. In view of such submission, this Court without interfering with the impugned order under Annexure-4 disposes of the CMP with an observation that the Petitioners may file appropriate

application for allotment of share in their favour in the event they succeed in R.F.A. No.11 of 2021.

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

(K.R. Mohapatra)
Judge

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