

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMA No. 223 of 2022

***Aruna Samantaray and
another***

....

Petitioners

Mr. A.K. Nath, Advocate

-versus-

State of Odisha and another

....

Opposite Parties

Mr. K.K. Gaya, ASC

CORAM: JUSTICE V. NARASINGH

ORDER

16.09.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioners and learned counsel for the State.
3. The learned Court below inter alia imposed the condition that the petitioners shall pay all the rents till date to the informant while releasing them on bail.
4. Being aggrieved by the imposition of such conditions, the petitioners have approached this Court.
5. It is submitted by the learned counsel for the petitioners that the rent was directed to be paid by the learned Court, while releasing the petitioners, being oblivious of the fact that civil suit No.217 of 2022 is pending Court before the Senior Civil Judge, Kujang wherein the present petitioners are the plaintiffs and the informant is the defendant. And, in fact the learned counsel draws the attention of this Court to the order passed by the learned Senior Civil Judge, Kujang dated 27.07.2022 in I.A. No.176 of 2022

arising out of C.S. No.217 of 2022 wherein order of status quo has been passed.

6. On a conspectus of materials on record, this Court is of the considered view that the conditions for payment of rent ought not have been imposed in the factual matrix of the case at hand and accordingly the same is set aside.

7. Other stipulations remain unaltered.

8. The CRLMA accordingly stands disposed of.

9. Urgent certified copy of this order be granted as per rules.

Santoshi

