

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 1088 OF 2019

Madhusudan Behera and others* *Petitioners

Mr.Dinesh Kumar Mohanty, Advocate

-versus-

Gopal Krushna Behera and another* *Opp. Parties

Mr.Dwarika Prasad Mohanty, Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

29.07.2022

Order No.

8.
 1. This matter is taken up through Hybrid mode.
 2. Petitioners in this CMP seek to assail the order dated 19th August, 2019 (Annexure-5) passed by learned 2nd Additional Senior Civil Judge, Balasore in CS No.742 of 2015/1658 of 2015, whereby an application filed by the Plaintiffs/Petitioners under Order VI Rule 17 CPC has been rejected.
 3. Mr. Mohanty, learned counsel for the Petitioners, in course of hearing, submits that in view of nature of amendment, the Plaintiffs may be required to withdraw the suit to file a fresh one. He, therefore, prays for withdrawal of the CMP to take appropriate step before learned trial Court.
 4. In view of such submission, this Court, without expressing any opinion on the merit of the submission made by learned counsel for the Petitioners, disposes of the CMP as withdrawn.
 5. Interim order dated 16th October, 2019 passed in IA No.1142 of 2019 stands vacated.