

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 792 OF 2022

Ram Chandra Panda

....

Petitioner

Mr. Ajit Chandra Mohapatra, Advocate
on behalf of Bikram Keshari Bal, Advocate

-versus-

Mohan Charan Panda

....

Opp. Party

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

02.03.2023

Order No.

4. 1. This matter is taken up through hybrid mode.
2. Pursuant to the order dated 2nd March, 2023 passed in CMAPL No.816 of 2022, the CMP is restored to its original number.
3. This CMP has been filed assailing the order dated 28th June, 2022 (Annexure-2) passed by learned Civil Judge (Senior Division), Salipur in C.M. Application No.95 of 2022, whereby an application to thatch the residential house of the Petitioner has been rejected.
4. Mr. Mohapatra, learned counsel being authorized by Mr. Bal, learned counsel for the Petitioner submits that in view of the impugned order under Annexure-2, proper remedy for the Petitioner would be to file an application under Order XXXIX Rule 4 C.P.C.
5. In view of the above, the CMP is disposed of with an observation that the Petitioner, if so advised, may file an application under Order XXXIX Rule 4 C.P.C. before learned

Civil Judge (Senior Division), Salipur and in that event, the same shall be considered on its own merit.

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

(K.R. Mohapatra)
Judge

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