

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 803 of 2022

Narayan Prasad Das

.....

Petitioner

Mr. Panchanan Panigrahi, Advocate

-versus-

Mukti Sahu and others

....

Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

24.09.2022

Order No.

1. This matter is taken up through hybrid mode.
2. Petitioner in this CMP seeks to assail the order dated 25th July, 2022 (Annexure-2) passed by learned Senior Civil Judge, Jaleswar in RFA No.09 of 2011 / 60 of 2005, whereby learned appellate Court rejected an application under Order XLI Rule 27 CPC.
3. In course of hearing, learned counsel Mr. Panigrahi for the Petitioner submits that the petition under Order XLI Rule 27 CPC ought to have been taken up along with hearing of the appeal. In that view of the matter, he prays for disposal of the CMP seeking liberty to move an application under Order XLI Rule 27 afresh at the time of hearing of the appeal, if occasion so arises.
4. In view of the above, without expressing any opinion on the merit of submission made by learned counsel for the Petitioner, the CMP is disposed of with an observation that if the Petitioner so advised may move an application under Order

XLI Rule 27 CPC at the time of hearing of the appeal. It is made clear that this Court has not expressed any opinion on the merit of the order impugned herein.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge



s.s.satapathy