

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CMP No. 813 OF 2022**

***Bankudhar Rana***

***.... Petitioner***

Mr. Soumya Mishra, Advocate

*-versus-*

***Suryanarayan Singh Bariha and others .... Opp. Parties***

Mr. Swayambhu Mishra,  
Additional Standing Counsel  
(For Opp. Party Nos.2 to 5)

**CORAM:**

**JUSTICE K.R. MOHAPATRA**

**ORDER**

**29.08.2022**

**Order No.**

- 01.
1. This matter is taken up through hybrid mode.
  2. This CMP has been filed assailing the order dated 29<sup>th</sup> November, 2021 (Annexure-10) passed by learned Senior Civil Judge, Nuapada in C.S. No.83 of 2016, whereby an application filed by the Defendant No.1 on 8<sup>th</sup> October, 2021 for acceptance of written statement has been rejected.
  3. In course of hearing, Mr. Mishra, learned counsel for the Petitioner fairly submits that the application dated 8<sup>th</sup> October, 2021 was not drafted properly stating the ground for which the written statement could not be filed earlier. In view of the above, he prays for withdrawal of the CMP submitting that interest of justice will be best served, if the Petitioner files a fresh application for acceptance of written statement stating the grounds therein in detail.
  4. Taking into consideration the submission made by learned counsel for the Petitioner, this Court without expressing any opinion on the merit of submission made by learned counsel the Petitioner, disposes of the CMP with an observation that in

the event, the Petitioner-Defendant No.1 files a fresh application for acceptance of written statement, the same may be considered on its own merit giving opportunity of hearing to the parties concerned.

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

***(K.R. Mohapatra)***  
***Judge***

*ms*

