

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**CMP NO. 851 OF 2022**

*Subasini Nayak* ..... *Petitioner*  
Mr. Maheswar Mohanty, Advocate  
-versus-  
*Bashidhar Barik and others* ..... *Opp. Parties*

**CORAM:**  
**JUSTICE K.R. MOHAPATRA**

**ORDER**  
**17.07.2023**

**Order No.**

**I.A. No. 664 of 2023**

5.     1.     This matter is taken up through hybrid mode.
2.     This is an application for modification of the order dated 17<sup>th</sup> April, 2023 by which the CMP was disposed of.
3.     Although the Petitioner has complied with the direction within the stipulated time, but learned trial Court refused to accept the same stating that it was filed beyond the period stipulated. Since the order of learned 2<sup>nd</sup> Additional Civil Judge (Senior Division), Balasore gives a fresh cause of action, it cannot be adjudicated in a disposed of CMP.
4.     In view of the above, the I.A. is disposed of with an observation that the Petitioner, if so advised, may file a properly constituted petition assailing the impugned order under Annexure-4 to the I.A.
5.     Certified copy of Annexure-5 to the CMP shall be returned to the learned counsel for the Petitioner on substitution of attested photocopy thereof.

**Signature Not Verified**

Digitally Signed  
Signed by: BIJAY KUMAR SAHOO  
Designation: Ex-Secretary  
Reason: Authentication  
Location: High Court of Orissa, Cuttack  
Date: 18-Jul-2023 11:18:36

*bks*

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