

IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P. No.1252 of 2019

Saroj Kumar Bhuyan & Anr.

Petitioner(s)
Mr. A.Ch. Mohapatra,
Advocate

-versus-

Seema Bhuyan @ Mohapatra

Opposite Party(s)

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
02.05.2022**

Order No.

04. 1. In an attempt to oppose the rejection of the application of the D.1 & 2 in their opposition to D.5 to have the cross examination of the D.W.2, learned counsel for the Petitioners submits that the suit involves partition and once the D.5 supports the case of the plaintiff, it has no necessity of cross-examining D-2 once the plaintiff has already made the cross-examination of it. Mr. Mohapatra, learned counsel thus claimed that there is wrong appreciation on this aspect by the trial court and thus the impugned order must be interfered with. Law has been fairly well settled that involving the civil suit for partition everybody is plaintiff. However, providing cross examination to any of the party does not mean chief or cross involved will be contrary to its own response and/or pleading. Even though this Court finds, there is no scope for interfering in the impugned order, however observes, the cross examination of D.5 to D.W.2 shall be confined to his own

pleadings in the written statement and shall not disturb his own pleading in the written statement.

2. The C.M.P. stands disposed of.

(Biswanath Rath)
Judge

Ayaskanta Jena

