

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.950 of 2022

Dillip Tarei and others

Petitioners

Mr. Gopinath Mishra, Advocate

-versus-

Aniruddha Sahu and others

.... ***Opp. Parties***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
18.10.2022

Order No.

1. This matter is taken up through hybrid mode.
2. Petitioners in this CMP seek to assail the order dated 6th September, 2022 (Annexure-8) passed by learned 1st Additional Senior Civil Judge, Balasore in CS No.144 of 2011, whereby an application filed by the Petitioners to call for the instruction issued by the Inspector General of Revenue (IGR), Odisha, Cuttack, has been rejected.
2. Mr. Mishra, learned counsel submits that Defendant Nos. 1 to 4 are the Petitioners in this CMP. During course of trial, they produced downloaded copies of the registered sale deed Nos. 5207 and 5208 dated 7th July, 2010, which were marked as Ext. 'K' and Ext. 'L' with objections of the Plaintiffs. In view of the above, Petitioners filed an application to call for the Book-1 register from the office of Sub-Registrar, Balasore to meet with the objection raised. Pursuant to notice, DW-5 being authorized by the Sub-Registrar appeared and adduced his evidence. During examination, DW-5 produced the Book-1 register of 2011 and the same has been marked as Ext. 'J'. He

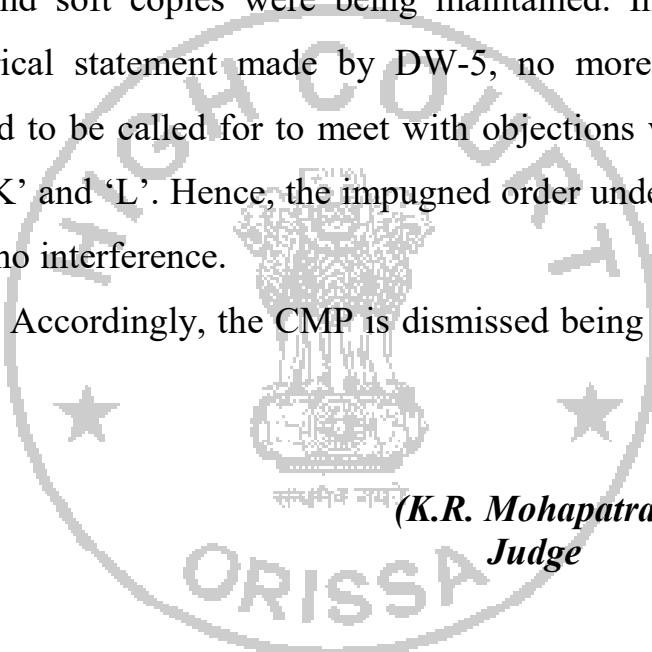
also deposed that no Book-1 register was being maintained at the office of the Sub-Registrar in the year 2010, as per instruction of the IGR communicated in July, 2010. Thus, Petitioners filed an application to call for the said instruction from the IGR, which has been rejected. Hence, this CMP has been filed.

3. It is further submitted by Mr. Mishra, learned counsel that DW-6, another witness of the Office of the Sub-Registrar exhibited letter/registered circular No.63/10-41392/R & DM dated 8th October, 2010 issued by Revenue and Disaster Management Department, Government of Odisha, which does not relate to the statement made by DW-5 with regard to the instruction issued by the IGR. Hence, learned trial Court ought to have called for the documents from the office of the Sub-Registrar, Balasore to meet with the objection raised by the Plaintiffs with regard to the documents marked as Ext. 'K' and Ext. 'L'. Learned trial Court, without considering the same, rejected the petition holding that since DW-5 and DW-6 have already been examined pursuant to an application filed by the Plaintiffs to call for Book-1 register no further prayer in that regard is entertainable. In view of the above, Mr. Mishra, learned counsel for the Petitioners prays for setting aside the impugned order and to direct learned trial Court to call for the instruction of the IGR issued to the Sub-Registrars of Odisha in July, 2010.

4. Upon hearing learned counsel for the Petitioner and on perusal of record including the evidence of DW-5 annexed to the CMP as Annexure-3, it appears that he has proved Ext. 'K' and Ext. 'L', i.e., the registered sale deed Nos. 5207 and 5208 dated 7th July, 2010, which was objected to by the Plaintiffs. The

purpose of filing of the petition by the Petitioners is to meet with the objections raised by the Plaintiffs in marking the documents as Ext. 'K' and Ext. 'L'. Since the DW-5 being authorized by the Sub-Registrar has proved those documents, there is no requirement to call for any more document to prove the same. Further, the Defendants had filed application to call for Book-1 register of 2010 from the office of the Sub-Registrar, Balasore, DW-5 has categorically stated in his evidence that no Book-1 register was maintained in the office of Sub-Registrar in the year 2010 and soft copies were being maintained. In view of the categorical statement made by DW-5, no more document is required to be called for to meet with objections with regard to Exts. 'K' and 'L'. Hence, the impugned order under Annexure-8 merits no interference.

5. Accordingly, the CMP is dismissed being devoid of any merit.

The seal of the Orissa High Court is a circular emblem. It features the Ashoka Lion Capital in the center, flanked by two stars. The text 'ORISSA' is written in a large, bold, sans-serif font at the bottom. Above the lion capital, there is text in Odia script. The words 'HIGH COURT' are written in a semi-circle at the top.
(K.R. Mohapatra)
Judge