

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No. 955 OF 2022

Bhikari Charan Pal and others ***Petitioners***

Mr. Alok Kumar Mohanty, Advocate
-versus-

Raghunath Pal and others ***Opp. Parties***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
04.11.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioners in this CMP seek to assail the order dated 29th July, 2022 (Annexure-5) passed by learned 1st Additional Civil Judge, (Senior Division), Balasore in C.S. No.954 of 2007, whereby an application filed by the Petitioners under Order XIII Rule 10(2) C.P.C. has been rejected.
3. In course of hearing, Mr. Mohanty, learned counsel for the Petitioners submits that the petition under Order XIII Rule 10(2) C.P.C. was not properly couched and it was not supported by an affidavit as required under law. Hence, interest of justice will be best served, if the Petitioners file a fresh application with better particulars supported by an affidavit for consideration of the Court. He, therefore, prays for withdrawal of the CMP to enable him to file a fresh application as aforesaid.

4. Considering the submission made by learned counsel for the Petitioners, this CMP is disposed of as withdrawn with an observation that in the event, the Petitioners file a fresh application under Order XII Rule 10(2) C.P.C. complete in all respect, the same may be considered in accordance with law giving opportunity of hearing to the parties concerned without being influenced by the observation made in the impugned order under Annexure-5.

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

(K.R. Mohapatra)
Judge



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