

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

**CMP No. 957 of 2022**

***Kandarpa Behera and another*** .... ***Petitioners***  
Mr. Deepak Kumar Pani, Advocate

*-versus-*

***Pramila Sahoo and others*** .... ***Opp. Parties***

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

**ORDER**  
**15.11.2022**

**Order No.**

02.        1.        This matter is taken up through Hybrid mode.
2.        Petitioners in this CMP seek to assail the order dated 26<sup>th</sup> August, 2022 passed by learned Civil Judge (Senior Division), Talcher in Execution Case No.5 of 2014, whereby an application filed by DHr/Opposite Party No.1 was allowed without considering the objection raised by Petitioners/JDs.
3.        It is submitted by Mr. Pani, learned counsel for the Petitioners that although the Petitioners had applied for certified copy of certain documents under Annexure-10, but the documents available at Sl. Nos.2 and 4, were not supplied to them, for which they could not place the matter before learned trial Court properly.
4.        Taking into consideration the submission of learned counsel for the Petitioners, this Court, vide order dated 18<sup>th</sup> October, 2022, directed learned Senior Civil Judge, Talcher to

submit a report as to why the documents at Sl. Nos.2 and 4 were not supplied to the Petitioners/JDrs. On perusal of the report, it appears that non-supply of those documents was inadvertent one.

5. In view of the above, this Court, disposes of the CMP by setting aside the order dated 26<sup>th</sup> August, 2022 passed by learned Senior Civil Judge, Talcher in Execution Case No.5 of 2014 with a direction to adjudicate the petition dated 23<sup>rd</sup> July, 2022 filed by the DHr/Opposite Party No.1 afresh providing the certified copy of documents at Sl. Nos. 2 and 4 of the copy application dated 2<sup>nd</sup> September, 2022 (Annexure-10) in Execution Case No.5 of 2014 and giving opportunity of hearing to the parties concerned.

5.1 It is made clear that the impugned order is set aside as the Petitioners were not given adequate opportunity to defend their case. This Court, however, has not expressed any opinion on the merit of the case of either of the parties.

Issue urgent certified copy of the order on proper application.

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

*s.s.satapathy*