

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

**CMP NO. 1001 OF 2022**

***Sabitri Das***

....

***Petitioner***

Mr. Amiya Kumar Mohanty, Advocate

*-versus-*

***Jasoda Das and others***

....

***Opp. Parties***

**CORAM:**

**JUSTICE K.R. MOHAPATRA**

**ORDER**

**14.11.2022**

**Order No.**

3.       1.       This matter is taken up through hybrid mode.
2.       The Petitioner in this CMP seeks to assail the order dated 21<sup>st</sup> September, 2022 passed in C.S. No. 19 of 2006, whereby learned Civil Judge (Senior Division), Baripada rejected the petition filed by the Opposite Parties to adduce secondary evidence by summoning one Sri Krupasindhu Singh, the then Joint Secretary of Seva Sangha to test the veracity of the photocopies of the money receipt.
3.       In course of hearing, Mr. Mohanty, learned counsel for the Petitioner fairly concedes that there is no foundation to lead secondary evidence by summoning said Sri Krupasindhu Singh. Law is well settled that in order to adduce secondary evidence, the Petitioner has to make necessary pleadings to lead evidence to that effect. In absence of such foundation, the secondary evidence cannot be adduced. He, therefore, prays for withdrawal of CMP.

4. In view of such submission, this CMP is dismissed as withdrawn.

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

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

*bks*

