

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No. 1029 OF 2022

Bamadev Barik ***Petitioner***
Mr. Maheswar Mohanty, Advocate
-versus-
Prafulla Kumar Barik ***Opp. Party***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
22.11.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this CMP seeks to assail the order dated 27th September, 2022 (Annexure-10) passed by learned Civil Judge (Senior Division), Kendrapara in I.A. No.199 of 2010 (arising out of C.S. No.217 of 2010), whereby an application filed by the Defendant-Petitioner to thatch his residential house situated over the Plot No.240 under Khata No.147 of mouza Chatara has been rejected.
3. In course of hearing, Mr. Mohanty, learned counsel for the Petitioner submits that the impugned order under Annexure-10 has been passed rejecting the application only on the ground that Plot No.240 of Mouza Chatara is not the suit plot. But the said plot is adjacent to the suit plot and the Plaintiff is obstructing the Defendant-Petitioner to thatch his residential house standing over the same. He, however, prays for withdrawal of the CMP stating that he will move an appropriate application before learned trial Court for redressal of his grievance.

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 In view of such submission, this CMP is disposed of as withdrawn.

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

(K.R. Mohapatra)
Judge

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