

IN THE HIGH COURT OF ORISSA AT CUTTACK
RSA No.120 of 2021

Ganesh Biswas and Another *Appellants*

Mr. Anurag Pati, Advocate

-versus-

Puspa Biswas and Others *Respondents*

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
27.9.2022

Order No.

I.A. No.588 of 2021

06. 1. The matter is taken up through hybrid mode.
2. In view of the office note that no delay is there, the I.A. is disposed of.

RSA No.120 of 2021

07. 3. Heard Mr. A. Pati, learned counsel for the Appellant.
4. Though the matter is listed in orders, the same is taken up for hearing under Order 41, Rule 11 C.P.C. on the prayer of Mr. Pati in view of urgency that the other party is proceeding in execution.
5. The Appellants are the Defendants before the trial court. The original Plaintiff, who is the natural ascendant of all the substituted Respondents, filed the suit praying for recovery of possession and permanent injunction. It is the case of the Plaintiff that Defendant No.1 is not a member of their family. In other words, as per the claim of the Plaintiff, Defendant No.1 is not the son of Sarat Biswas. In

support of such claim, the Plaintiff filed several documents and the Defendants also produced documents in support of their claim. Both the courts below upon analysis of all those documents and the evidences adduced from both the sides came to the conclusion that Defendant No.1 is not a member of the family of Sarat Biswas and Kartik Biswas (original Plaintiff) is the only son of Sarat Biswas.

6. Upon hearing Mr. Pati, learned counsel for the Appellant, no substantial question is found in favour of the Appellants to admit the appeal. Accordingly, the appeal is dismissed.

(B.P. Routray)
Judge

M.K.Panda

