

IN THE HIGH COURT OF ORISSA AT CUTTACK

GUAP NO. 4 OF 2022

Debu Prasad Maity ***Appellant***
Mr. Manoj Kumar Mohanty, Advocate
-versus-
State of Odisha and another ***Respondents***
Mr. A.R. Dash,
Additional Government Advocate

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
22.11.2022

Order No.

2.
 1. This matter is taken up through hybrid mode.
 2. The appeal has been filed assailing the judgment dated 16th August, 2022 (Annexure-3) passed by learned District Judge, Kendrapada in G.P.Case No.01 of 2021, whereby an application filed by the Appellant to alienate the properties purchased in the name of his minor son has been rejected.
 3. Mr. Mohanty, learned counsel for the Appellant submits that application for grant of permission to alienate the properties was refused on the ground that the Appellant could not produce documents/informations required for consideration of such application. He, however, produces copies of the sale deeds before this Court to establish that the properties were purchased in the name of the Appellant (minor son). He further submits that no opportunity was given to the Appellant to produce documents in support of his case. Had it been provided, the Appellant could have produced those documents for consideration of learned District Judge, Kendrapada. He, therefore, prays for setting aside the

impugned judgment under Annexure-3 and to remit the matter back to the learned District Judge, Kendrapada for fresh consideration of the application giving him an opportunity to produce documents/materials in support of his case.

4. Mr. Dash, learned Additional Government Advocate submits that para-6 of the impugned order clearly discloses that the father of Appellant, who was examined as P.W.1, could not produce any material in support of his case. He, however, submits that if the Appellant is prepared to produce documents/informations in support of his case, another opportunity should be given to him.

5. Taking into consideration the submissions made by learned counsel for the parties, this Court sets aside the order dated 16th August, 2022 (Annexure-3) passed in G.P. Case No.01 of 2021 and remits the matter back to the learned District Judge, Kendrapada for fresh consideration giving the Appellant an opportunity to produce documents/materials in support of his case. It is made clear that the Appellant shall appear before learned District Judge, Kendrapada along with certified copy of this order on 12th December, 2022 to receive further instruction in the matter. The Appellant shall also produce materials/ documents in support of his case within a period of three weeks threfrom, as undertaken by Mr. Mohanty, learned counsel for the Appellant. The documents with regard to treatment of the Appellant, if required, shall be produced in a sealed cover for perusal of the Court.

6. The GUAP is accordingly disposed of.

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

(K.R. Mohapatra)
Judge