

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.641 of 2021

Sabitri Padhy

.....

Petitioner(s)

Mr.P.K.Rath, Advocate

- Versus-

State of Odisha & Ors..

.....

Opposite parties

Mr.S.P.Panda, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
10.01.2022**

Order No.
06

1. This matter is taken up through Video Conferencing mode.
2. Heard learned counsel appearing for the parties.
3. Impugning the order dated 7.9.2019, Mr.Rath, learned counsel appearing for the decree holder, petitioner herein, through the pleadings submitted that in spite of a working calculation at the instance of the decree holder, the trial court did not took into consideration such calculation while closing the matter on 7.9.2019. The entire impugned order was read over and this Court nowhere finds the decree holder at least making such statement in the proceeding on 7.9.2021. In the circumstances and keeping in view the submission of Mr.Rath, learned counsel that there already existed a calculation sheet at the instance of the decree holder should have given due care, for the opinion of this Court, nothing prevented to the decree holder to bring such input to the notice of the court at least at the time of hearing on 7.9.2019 and in the event the decree holder failed in doing so, such difficulty could not be taken care of by way of filing an application under Section 151 of the Code of

Civil Procedure or revision.

4. In the circumstance, this Court finds there is no scope for interfering in the order except leaving it open to the decree holder, if so advised, to take appropriate proceeding for correction of such order, if any.

5. Mr.Panda, learned Additional Government Advocate raised certain objection. For this Court observing in the contingency there was no room for filing application under Section 151 of the Code of Civil Procedure, State may guide such objections in the event of any appropriate proceeding.

6. The Civil Miscellaneous Petition stands disposed of accordingly.

7. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout copy of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office order circulated vide Memo Nos.514 & 515 dated 7th January, 2022.

Sks

(BISWANATH RATH)
JUDGE