

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.30427 OF 2022

Lebani Bhoi

....

Petitioner

Mr.S.S.Bhuyan, Adv.

-versus-

Jana Bhoi & anr.

....

Opposite Party(s)

Mr.U.K.Sahoo, ASC

CORAM:

JUSTICE BISWANATH RATH

ORDER

16.11.2022

Order
No.

1.

1. Heard learned counsel for the Parties.

2. In reducing his prayer, learned counsel for the Petitioner submits, let there be at least a scope for dealing with the question raised through the Order 14 Rule 2 of C.P.C. Application in the ultimate trial of the suit.

3. For the opinion of this Court, for technical rejection of the Order 14 Rule 2 of C.P.C. Application, question raised in such Application, if pleaded in the written statement, such a question is always available to be raised by way of Issue and there is no bar in undertaking an exercise in involving such Issue in the ultimate trial of the suit involved.

4. With this observation, this Court declines to entertain the Writ Petition, which is dismissed accordingly.

(Biswanath Rath)
Judge

M.K.Rout