

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP NO.685 OF 2021

Nakul Sagadia

....

Petitioner

Mr.S.K.Mishra, Adv.

-versus-

Ram Chandra Behera & ors.

....

Opposite Parties

None

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
12.1.2022**

**Order
No.**

02.

1. This matter is taken up through video conference mode.
2. Heard learned counsel for the Petitioner.
3. Learned counsel for the Petitioner submitted that for rejection of the Application under Section 5 of the Limitation Act accompanied with Substitution Application and setting aside abatement Application on technical ground for having no explanation on delay in coming to Court, he seeks liberty of this Court to move a better Application and for a direction of this Court for considering the same on its own merit.
4. Considering that there involves a technical rejection of the Limitation Petition making the suit abated, for the opinion of this Court, no suit should be allowed to be dismissed on technical ground and the parties should be rather allowed to contest involving the suit, this Court while allowing the request of the Petitioner made permits the Petitioner to file a fresh set of Applications including Limitation

Petition indicating the ground of delay therein. In the event of any such Application is filed within ten days along with copy of this order, the same shall be considered independent of the observation already in the impugned order but however giving a right to contest to the opponents.

5. With the above order, the CMP stands disposed of.

6. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the Parties may utilize a printout 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, modified by Notice No.4798 dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

M.K.Rout

