

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP NO.1173 OF 2022

Debabrata Mohanty **Petitioner**
Mr. Amit Prasad Bose, Advocate
-versus-
Nabaghana Jena and others **Opp. Parties**

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
05.12.2022

Order No.

1. This matter is taken up through hybrid mode.
2. Order dated 10th November, 2022 (Annexure-1) passed by learned District Judge, Puri in RFA No. 173 of 2022 is under challenge in this CMP, whereby an application filed by the Appellant-Petitioner to exempt him from substituting the legal heirs of the deceased Respondent No.6, who died on 11th August, 2021, during pendency of the suit, has been rejected.
3. In course of hearing, Mr. Bose, learned counsel for the Petitioner relying upon the case laws in the case of **Satyananda Bala Samanta –v- Srimati Das and others**, reported in Vol.33 (1992) O.J.D. 91 (Civil) and the case of The Collector, **Sambalpur and others –v- (Sri) Rama Chandra Pradhan (dead) and others**, reported in 2018 (II) CLR 761 submits that interest of justice will be best served, if the Petitioner files appropriate application before learned Appellate Court to bring on record the legal heirs of the deceased Respondent No.6. He, therefore, prays for withdrawal of CMP.

4. In view of such submission, the CMP is disposed of as withdrawn.

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

(K.R. Mohapatra)
Judge

bks

