

IN THE HIGH COURT OF ORISSA AT CUTTACK
C.M.P. No.696 of 2021

Kora @ Chinari Ranjit Kumar Patro ***Petitioner(s)***
Mr. S.K. Mahanty,
Advocate

-versus-

Chinari Anataryami Pato & Ors. ***Opposite Party(s)***

CORAM:
JUSTICE BISWANATH RATH

ORDER
11.01.2022

Order No.

01. 1. This matter is taken up by video conferencing mode.
2. Undisputedly there has been no attempt in restoration of the ex parte judgment involving the Petitioner. The Petitioner on the premises that he has time to file such application over a period of three years, objects the execution proceeding. This Court finds no strength in the submission of learned counsel for the Petitioner. For the negligence of the Petitioner there is no room for the executing court to wait till a petition for restoration of the ex parte judgment is filed.
3. In the circumstance, for the discussion as well as findings in the impugned order this Court finds, there is no impropriety in the impugned order requiring to be interfered with in exercise of power under Article 227 of the Constitution of India.
4. The Civil Miscellaneous Petition stands dismissed.
5. 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 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.

(Biswanath Rath)
Judge

Ayaskanta Jena

