

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP NO. 1201 OF 2022

Rahasa Bihari Pati ***Petitioner***
Mr. Ajaya Kumar Jena, Advocate
-versus-
Kali Thakurani and another ***Opp. Parties***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
15.12.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioner in this CMP seeks to assail the order dated 27th October, 2022 (Annexure-4) passed by learned Civil Judge (Junior Division), Bhawanipatna in CMA No. 3 of 2020, whereby an application filed by them under Section 151 C.P.C. to recall the order dated 9th November, 2018 passed in CMA No. 3 of 2020 and to provide opportunity of hearing to the Petitioners has been rejected.
3. Mr. Jena, learned counsel for the Petitioners submits that the order dated 9th November, 2018 has not been challenged.
4. No ground is made out by the Petitioners to assail the sustainability of the order dated 27th October, 2022 under Annexure-4. Further, it appears that by order dated 9th November, 2018, a petition filed by the Opposite Party No.1 under Order IX Rule 13 C.P.C. has been allowed. Since the order dated 9th November, 2018 by which the Petitioner is stated

to be prejudiced is not under challenge, a prayer refusing to recall the said order cannot probably be challenged in this CMP.

5. Accordingly, the CMP stands dismissed.

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

(K.R. Mohapatra)
Judge

bks

