

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 1216 of 2022

Sarpa Sahoo and others ***Petitioners***
Mr. Trilochan Nanda, Advocate
-versus-
Kaldar Sahoo and others ***Opp. Parties***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
06.12.2022

Order No.

1. This matter is taken up through Hybrid mode.
2. Petitioners in this CMP seek to assail the order dated 22nd December, 2021 (Annexure-1) passed by learned Senior Civil Judge, Balangir in FDTS No.64 of 2007, whereby the Amin Commissioner report with regard to allotment of land has been accepted subject to adjustment of share allotted in favour of deceased Defendant No.1.
3. Mr. Nanda, learned counsel for the Petitioners submits that the report of Civil Court Commissioner is *per se* illegal, as he has not taken into consideration the valuation of the land. It is his submission that Plot Nos.496, 498, 499 and 500 are filled with rock and has been allotted to the share of Defendant Nos.2, 3 and 4, whereas the Plaintiff has been allotted with valuable land. Although objection to that effect was raised, but learned trial Court refused to accept the same as no detailed particulars of the same was given in the objection. In view of the above, Mr. Nanda, learned counsel for the Petitioner submits that interest of justice will be best served if a fresh application to that

effect is filed by the Petitioners with detailed particulars of valuation of the property allotted in favour of different co-sharers. He, therefore, prays for withdrawal of the CMP.

4. In view of such submission, this Court without expressing any opinion on the merit of the submission made by learned counsel for the Petitioners disposes of the CMP as withdrawn.

(K.R. Mohapatra)
Judge



s.s.satapathy