

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.32763 OF 2022

Amaranath Guru

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Petitioner(s)
Mr.A.P.Bose,Adv.

-versus-

Member, Board of Revenue, Cuttack
and others

Opposite Party(s)
Mr.S.P.Panda,AGA

CORAM:
JUSTICE BISWANATH RATH

ORDER
05.12.2022

Order No.

01.

1. Heard learned counsel for the Parties.
2. This Court records the submission of Mr.Bose, learned counsel for the Petitioner that he has no contest against the private Opposite Party No.5. Considering sole contest against the State and the Appeal order since passed, this Court finds the Appeal was dismissed for default of the party. Taking into account the settled position of law, proceeding involving civil nature of disputes should be decided on merit rather than on technicality to achieve a contest disposal, this Court interferes in the impugned order dated 28.02.2019 and sets aside the same, remitting the O.S.S. Case No.2917 of 2016 to Opposite Party No.2 for fresh disposal of the same on merit and in the involvement of the Petitioner. Let the Petitioner bring copy of direction to the notice of Opposite Party No.2 on 14.12.2022.
3. The Writ Petition stands disposed of.

(Biswanath Rath)
Judge

Swarna