

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CMP No.738 of 2021**

***Rajani Kumar Mohanty***

.....

***Petitioner(s)***

*Mr.B.S.Panigrahi, Advocate*

**- Versus-**

***Kanakalata Mohanty***

.....

***Opposite party***

**CORAM:  
JUSTICE BISWANATH RATH**

**ORDER  
07.01.2022**

Order No.  
02

1. Heard learned counsel appearing for the petitioner.
2. During course of submission, Mr.Panigrahi, learned counsel appearing for the petitioner brought to the notice of the Court that in absence of further cross examination of P.W.2, there may not be effective adjudication and keeping this in view there is already an attempt by way of another Miscellaneous Application calling for the P.W.2 for cross examination purpose at the request of the defendant pending on the file of trial court. In the event any such application is filed, this Court while declining to interfere in the matter involved herein at this stage leaves it open to the trial court to take a reasonable view on the application being filed by the defendant regarding calling for P.W.2 for cross examination purpose on his own cost.
3. The CMP stands disposed of with the observation and direction made hereinabove.

**(BISWANATH RATH)  
JUDGE**

