

IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P. No.739 of 2021

Govinda Kamaraju

....

Petitioners

Mr. S.K. Dash,
Advocate

-versus-

Anita Sahu & Ors.

....

Opposite Parties

CORAM:

JUSTICE BISWANATH RATH

ORDER

16.02.2022

Order No.

03.

1. This C.M.P. involves rejection of an application U/o.18 rule 17 of C.P.C for recalling the plaintiff and bringing evidence involving a transfer certificate of the defendant no.1 being issued by the competent authority.
2. Referring to the pleadings in paragraph no.2 of the plaint Mr. Dash, learned counsel for the Petitioner attempted to establish that he has specific pleading on such document.
3. Reading through the pleadings made in paragraph no.2 this Court nowhere finds any reference of any such document. This Court is of the view that there is no value of any evidence in absence of any pleading to such evidence. At this stage of the matter this Court perused the impugned order and finds, rejection of the application is well reasoned, further it becomes fundamental to have

evidence only confining to the pleadings. It is, in this view of the matter, this Court finds no infirmity in the impugned order.

4. The C.M.P. is accordingly dismissed.

(Biswanath Rath)
Judge

Ayaskanta Jena

