

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.744 of 2021

Paramananda Randhari @ Nanda* *Petitioners
Randhari and others

Mr. B. Rout, *Advocate*

-versus-

Sunil Kumar Sahu and another* *Opp. Parties

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

19.01.2022

Order No.

- 01.
1. This matter is taken up through Video Conferencing Mode.
 2. Heard learned counsel for the Petitioners.
 3. The CMP application has been filed challenging the order dated 29.11.2021 passed by the learned Civil Judge, Sr. Division, Nabarangpur in C.S. No.48 of 2015 rejecting the petition filed by the defendant Nos.1 to 5 for a direction to the Defendant No.6 to give specimen handwriting and send the same for Scientific Examination and comparison and opinion, the opinion so given by the handwriting expert on the specimen handwriting be submitted in court.
 4. Perused the impugned order.
 5. Learned court below has not accepted the prayer of the Petitioners on the ground that the alleged agreement to sale executed by S. Jagdish on dated 25.05.1990 having no force in the eye of law for enforcement moreover such enforcement is barred by limitation. As such, the prayer made by the defendant nos.1 to 5 in their

application has been rejected.

6. Learned counsel for the Petitioners submits that he proposes to file a suit for specific performance of the contract.

7. Having heard learned counsel for the Petitioners, this Court is not inclined to interfere with the impugned order at this stage, it is open for the Petitioners to make such a prayer in an appropriate proceeding to be filed by the Petitioners before the competent court of law.

8. With the aforesaid observation, the CMP application stands disposed of.

9. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Office Order dated 7th January, 2022.

(*A.K. Mohapatra*)
Judge