

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.762 of 2021

Lala Hari Prasad Chand ***Petitioner***
Mr.D.K.Mohanty, *Advocate*

-versus-

Satyanarayan Mohanty & others ***Opp. Parties***

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
18.01.2022

Order No.

1. This matter is taken up through Video Conferencing mode.
2. Heard Mr.Mohanty, learned counsel for the Petitioner.
3. Considering the delay in filing the petition for setting aside the abatement, this Court is not inclined to interfere with the impugned order dated 2nd December, 2021.
4. However, it is submitted by Mr.Mohanty, learned counsel for the Petitioner that the suit has been abated partially as against defendant No.1. So far as other defendants are concerned, the suit can be still continued.
5. The learned trial court is directed to examine that aspect in the matter and in the event it comes to conclusion that the suit cannot abate wholly then he shall proceed with the suit as against the surviving defendants.
6. With the aforesaid observation the CMP stands disposed of.

7. 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, modified by Court's Notice No.4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

RKS

(A.K. Mohapatra)
Judge

