

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC NO.41076 OF 2021

Banita Rout & ors.

.... Petitioners

Mr.J.K.Mohapatra, Adv.

-versus-

Nabaghana Swain & ors.

.... Opposite Party(s)

None

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
1.2.2022**

Order No.

01.

1. This matter is taken up through video conference mode.
2. Heard learned counsel for the Petitioners.
3. This is a Writ Petition involving a challenge to the Permanent and Continuous Lok Adalat Award passed on 14.7.2006.
4. Learned counsel for the Petitioners taking this Court to the position of the Parties involved herein submitted that there has been no taking care of the interest of the minor daughters in undertaking of the process, vide PL Case No.23 of 2006. Coming to the question of delay in approaching this Court, learned counsel for the Petitioners submitted that there was no information of such direction

to the Parties concerned for long time compelling them to approach vide the Writ Court in 2021.

5. Considering the submission of the learned counsel for Petitioners examining the question of admission of a dispute involving judicial proceeding dated 14.7.2006, first of all this Court finds, the proceeding involving PL Case No.23 of 2006 was disposed of on the basis of joint compromise involving the litigation therein and Judgement of this nature will definitely bind the parties therein and their successors. Secondly, looking to the position of the Petitioners, as claimed herein, in examining the delay aspect this Court finds that for they were all minors at the relevant point of time unabling each of them to approach the court of law at appropriate time, this Court looking to the Cause Title involved herein finds, Petitioner No.1 already became major since last nine years back, Petitioner No.2 became major about 29 years back, Petitioner No.3 became major about 32 years back, Petitioner No.4 became major about 25 years back, Petitioner No.5 became major about 15 years back, Petitioner No.7 became major about 42 years back and Petitioner No.8 became major about 32 years back. In the event any of the Petitioners was minor at the relevant point of time, nothing prevented such party at least approaching the Court of law

immediately after attaining majority. In the circumstance, this Court finds, there is no approach involving an order of 2006 by the Petitioners in appropriate time even assuming any of them was affected. It is on the ground of long delay involving the approach to this Court and almost all Petitioners were found to be major at the time of passing of the impugned order, this Court is not inclined to entertain the Writ Petition with such delay. The Writ Petition thus stands dismissed at the admission stage but on both counts indicated herein above.

6. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the Parties may utilize a printout 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 Notice No.4798 dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(Biswanath Rath)
Judge

M.K.Rout