

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.806 of 2021

Bijay Nayak @ Bijay Kumar Nayak ***Petitioner***
Sk.Zafarulla, *Advocate*

-versus-

Bhagaban Dalei & 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. The present CMP has been filed challenging the order dated 7th October, 2021 passed in C.S.No.09 of 2013 under Annexure-6 whereby the learned court below has allowed an application under Order 1 Rule 10 of the Code of Civil Procedure filed at the instance of the 3rd party.
3. On perusal of records, this Court finds that the application at the instance of 3rd party is allowed as no objection was raised by the Plaintiff in the said suit. The present petitioner, who is defendant No.36 in the suit possibly could not have objected to such addition of parties.
4. Mr.Zafarulla, learned counsel for the Petitioner submits that his objection has not been considered by the learned court below while allowing the application under Order 1 Rule 10 C.P.C. at the instance of 3rd party. It is needless to mention here that it is open for

the defendant No.36 to take such stand in the written statement and contest the main suit challenging the status of the newly added party.

5. With the aforesaid observation the CMP stands disposed of.

6. 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

