

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP NO.818 OF 2021

Gagan Bihari Nanda

....

Petitioner

Mr.S.Mishra, Advocate

-versus-

Bidhu Bhusan Nanda & Ors.

....

Opposite Parties

Mr.B.C.Panda, Adv. for O.P.1

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
4.1.2022**

Order No.

01. 1. This C.M.P. arises out of rejection of an application under Order 1 Rule 10 of C.P.C. virtually at the instance of the intervener, undisputedly Defendant No.4 in the suit involved herein.
2. There is no dispute at Bar that even though Defendant No.4 is made a party in the suit, for the decree sought in the suit, there is no decree likely to be passed against Defendant No.4, further taking into account that Defendant No.4 is likely to be affected in the ultimate decision of the I.A. involved herein. This Court records the submission of Mr.Panda, learned counsel for O.P.1 that neither the Cause Title in the I.A. involving Defendant No.4 nor the prayer aimed against Defendant No.4. It is at this stage of the matter, on

production of a copy of the I.A. involved, this Court also on perusal of the same finds, the statement of Mr.Panda to the effect that there is no relief claimed against Defendant No.4 in filing such I.A. is correct. In the circumstance, this Court observes, once there is no decree aiming Defendant No.4 further there is no further relief sought for by way of I.A. involving Defendant No.4, there is no likelihood of damage to Defendant NO.4. Perused the impugned order and this Court finds, there is no infirmity in the impugned order.

3. In the above view, this Court is not inclined to interfere with the impugned order. The CMP thus stands dismissed.

(Biswanath Rath)
Judge

M.K.Rout