

IN THE HIGH COURT OF ORISSA AT CUTTACK
RSA NO. 01 OF 2024

<i>Sabitri Das & Others</i>		<i>Appellants</i> Mr.S. Kar, Advocate
-versus-		
<i>Antaryami Nandi & Others</i>		<i>Respondents</i> -----

CORAM:
MR. JUSTICE D. DASH
ORDER
19.01.2024

Order No.

01. 1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. Heard learned Counsel for the Appellants in the matter of admission of this Appeal. The Appeal is admitted to answer the following substantial question of law: -

Whether the Appeal filed by the Respondents (Defendants) i.e. RFA No.08 of 2023 which has been disposed of by the learned Additional District Judge, Nimapara was at all maintainable, when the order impugned therein relates to the non-acceptance of the counter claim filed under Order-8 Rule-6-A of the Code of Civil Procedure as provided in Rule-6(c) of the Code; especially, when such order is neither covered within the definition of ‘decree’ nor falls within the ambit of Order-43 Rule-1 of the Code as an appealable order?

3. Issue to the Respondents by Registered Post with AD. Steps be taken within two days hence. In that event, notice be issued fixing a short returnable date.

4. The Appeal be listed in the week commencing 26th February 2024.

**(D. Dash),
Judge.**

ORDER

19.01.2024

Order No.

I.A. NO.12 OF 2024

02.

1. Heard.

2. Issue notice as above.

Accept one set of process fee.

3. As an interim, it is directed that operation of the judgment and decree (as stated) passed in RFA No.08 of 2023 shall remain stayed until further order.

Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**

Narayan