

IN THE HIGH COURT OF ORISSA AT CUTTACK

SA No.280 of 2000

Sridhar Das & Others

Appellant(s)

Mr. A.K. Misra, Advocate

-versus-

Raghunath Mishra & Others

....

Respondent(s)

CORAM:

MR. JUSTICE A.C. BEHERA

ORDER

15.03.2024

I.A. No.101 of 2024

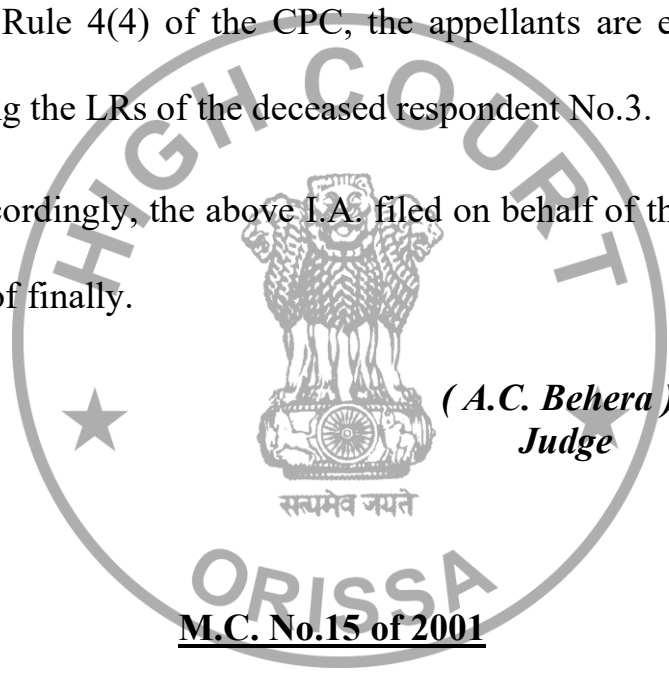
Order No.

9. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. This I.A. has been filed on behalf of the appellants under Order 22, Rule 4(4) of the CPC praying for exempting the appellants from substituting the LRs of the respondent No.3 on the ground that, the respondent No.3 of this 2nd Appeal was the defendant No.6 before the trial court in the suit vide Title Suit No.9 of 1983 and he was the respondent No.3 before the 1st Appellate Court in T.A. No.37/24 of 1999/1993. He, respondent No.3 had not filed any written statement before the trial court and he had also not contested before the 1st Appellate Court.
3. As the respondent No.3 of this 2nd Appeal being the defendant

No.6 before the trial court had not filed any written statement before the trial court in the suit vide Title Suit No.9 of 1983 and he had also not contested in that suit and he being the respondent No.3 in the 1st Appellate Court had not contested the 1st Appeal vide T.A. No. 37/24 of 1999/1993, for which, the I.A. No.101 of 2024 filed on behalf of the appellants is allowed.

4. Therefore, by applying the provisions of law envisaged under Order 22 Rule 4(4) of the CPC, the appellants are exempted from substituting the LRs of the deceased respondent No.3.

5. Accordingly, the above I.A. filed on behalf of the appellants is disposed of finally.



Rati Ranjan

M.C. No.15 of 2001

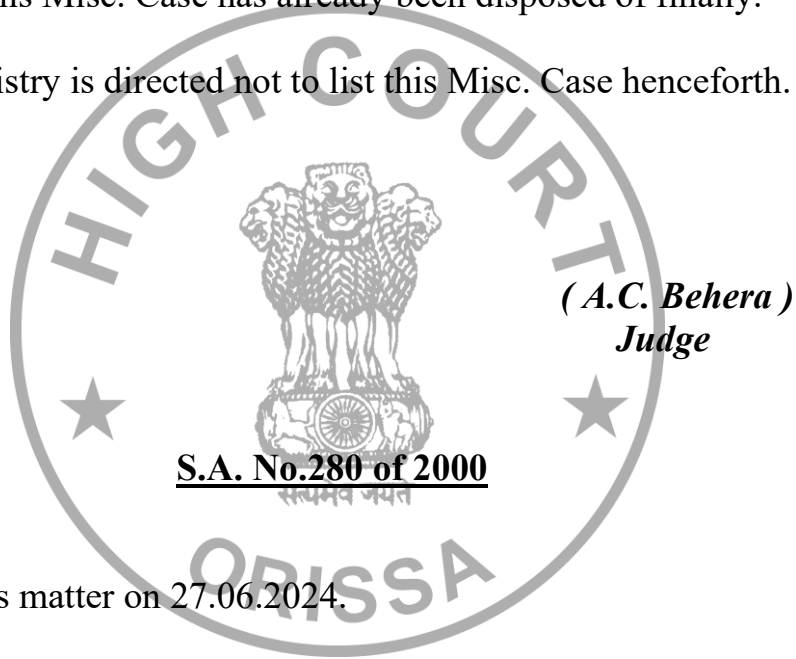
1. It appears from the order No.6 dated 27.06.2001 passed in Misc. Case No.15 of 2001 that, the interim order dated 06.02.2001 shall continue till disposal of the 2nd Appeal.

2. It appears from the Order No.3 dated 06.02.2001 passed in this Misc Case that, as an interim measure, further proceedings in Execution Case No.15/1993 pending in the Court of learned Civil

Judge, (Senior Division), Baripada shall remain stayed for a period of 8 weeks from today.

When, as per order dated 27.06.2001, the proceedings of Execution Case No.15/1993 pending in the Court of the Civil Judge, (Senior Division), Baripada has been stayed till the final disposal of this 2nd Appeal, therefore, the question of disposing of this Misc. Case through any specific order does not arise. Because, as per Order dated 27.06.2001, this Misc. Case has already been disposed of finally.

3. So, registry is directed not to list this Misc. Case henceforth.



(A.C. Behera)
Judge

1. List this matter on 27.06.2024.

(A.C. Behera)
Judge

Rati Ranjan