

IN THE HIGH COURT OF ORISSA AT CUTTACK

LAA No.7 of 2006

*Land Acquisition Officer,
Ganjam*

.....

Appellant

Mr. G. Rout, ASC

Vs.

Indira Jena and another

.....

Respondents

CORAM:

MR JUSTICE S.K. MISHRA

ORDER

08.08.2022

I.A. Nos. 37, 38 and 39, all of 2022

Order No.

13.

The matter is taken up by hybrid mode.

2. Heard.

3. The legal heirs of Respondent No.1, who is dead since 18.11.2012, has entered appearance suo motu through Samarendra Mohanty and associates and filed I.A. No.37 of 2022 under Order 22, Rule - 4 of the Code of Civil Procedure, 1908 praying therein to allow the said I.A. by substituting legal heirs of the deceased- Respondent No.1, I.A. No.38 of 2022 under Rule 22, Rule - 9 of the Code of Civil Procedure, 1908 to set aside the Order of abatement and I.A. No.39 of 2022 under Section 5 of the Indian Limitation Act to condone the delay in filing I.A. No.38 of 2022, by which a prayer has been made to set aside the Order of abatement and allow the substitution of the legal heirs.

4. Since at the instance of the legal heirs of the Respondent No.1 such applications are not maintainable, hence all the I.A.s stand dismissed.

(S.K. MISHRA)
JUDGE

Order No.

L.A.A. No.7 of 2006

14.

1. Learned Addl. Standing Counsel for the State Mr. Gajendranath Rout submitted that after receiving the copies of the I.As. and knowing about the death of the Respondent No.1 on 18.11.2012, written communication has been made to the Authority to take necessary action in the present Appeal for substituting the legal heirs of the Respondent No.1 and for that, he needs some time and he should be granted two weeks time to do the needful in this regard.

2. Accordingly, prayer for time is allowed. Learned Addl. Standing Counsel is directed to take necessary steps within the time frame, failing which the Appeal shall stand dismissed without further reference to the Bench.

3. Put up this matter after two weeks, if appropriate steps for substitution are taken in the meantime by the Appellant.

padma

(S.K. MISHRA)
JUDGE