



IN THE HIGH COURT OF ORISSA AT CUTTACK

S.A. No.278 of 1992

***Bastu Charan alias Batu
Charan Soren***

Appellant(s)
Represented by
Mr.R.K.Mohanty,Sr.Advocate

-versus-

***Chitta Majhiani (dead)
and others***

Respondent(s)

Mr.M.Faradish,Advocate
On behalf of
Mr.S.Das, Sr.Advocate

CORAM:
JUSTICE ANANDA CHANDRA BEHERA

ORDER

26.06.2024

Order No.

20.

1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
2. As per the noting of the Registry, there is discrepancy in respect of the name of the respondent Nos.1(b) and 1(d) in the cause title of the appeal memo and Vakalatnama filed on their behalf.
3. Therefore, the learned counsel appearing on behalf of respondent Nos.1(b) and 1(d) is directed to reconcile the above discrepancy before the Registry on or before the next date of listing.
4. List this matter on 26.07.2024.

(A.C. Behera)
Judge



Misc. Case Nos.574 of 1992 & 323 of 1995

1. Misc. Case No.574 of 1992 has been filed on behalf of the appellant (who was the defendant No.2 before the Trial Court) praying for staying the further proceeding of the Execution Case No.18 of 1989 pending in the Court of learned Civil Judge (Sr. Division), Rairangpur arising out of the judgment and decree passed in T.S. No.10 of 1985, against which, this 2nd appeal has been preferred after the disposal of the 1st Appeal thereof.
2. Misc. Case No.323 of 1995 has been filed by the respondent (who was the plaintiff before the Trial Court) under Order 40 Rule 1 of the CPC, 1908 praying for appointment of receiver to the plaintiff in respect of the suit properties.
3. It appears from Order No.16 dated 30.10.1995 passed in Misc. Case No.323 of 1995 (which was inadvertently typed out as Misc. Case No.423 of 1995) that, the appellant was directed to deposit Rs.5,000/- towards their receivership in respect of the suit properties for the year 1994-95 by 15th December, 1995 and its next year so on with same amount per year with specific condition in the said order that, in case of default in making deposit, the interim order passed in favour of the appellant in the Misc. Case No.574 of 1992 regarding the stay of further proceeding of Execution Case No.18 of 1989 shall be vacated.
4. Now, it will be seen by calling for a report from the learned Civil Judge (Sr. Division), Rairangpur, whether the appellant has complied the direction of this Hon'ble Courts passed vide Order No.16 dated 30.10.1995 depositing Rs.5,000/- per year since the year 1994-95 or not and only after receiving the report of the learned



Civil Judge (Sr. Division), Rairangpur, necessary orders shall be passed in these two Misc. Cases.

5. Registry is directed to transmit the copy of this order along with the copy of Order No.16 dated 30.10.1995 passed in Misc. Case No.323 of 1995 asking from the learned Civil Judge (Sr. Division), Rairangpur to submit a report within seven days, whether the directions made in Order No.16 dated 30.10.1995 has been complied or not?

(A.C. Behera)
Judge

Utkalika