

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No. 3054 of 2021
(Through hybrid mode)**

Badal Kumar Jogania and another* *Petitioners

Mr. Arun Kumar Budhia, Advocate
Mr. Niranjana Lenka, Advocate

-versus-

State of Odisha and others* *Opposite Parties

Mr. A.K. Sharma, AGA
Mr. A.K. Nath, Advocate

CORAM:

**JUSTICE ARINDAM SINHA
JUSTICE SANJAY KUMAR MISHRA**

**ORDER
21.02.2023**

Order No.

4.

1. Mr. Budhia, learned advocate appears and submits, he had communicated order dated 9th February, 2023 to his clients and also told him to be personally present in Court today, being adjourned date reflected in said order. Further, his client told him this morning that he suffered accident and cannot be present in Court.

2. We reproduce below paragraph-3 from our aforesaid order dated 9th February, 2023.

“3. Mr. Mohanta is directed to communicate to his clients that they are to be personally present on adjourned date, for removal of doubts regarding identity of petitioner no.1. In event they do not appear, there will be adverse presumption against them and in favour of Mr. Budhia’s client. We may make it clear also, if the application turns out to be made on false allegation, appropriate directions will be made.”

Mr. Lenka, learned advocate appears on behalf of petitioners and submits, he had communicated the order to his client. Petitioner no.2 is present in Court. He files affidavit affirmed by petitioner no.2 on 20th February, 2023. We reproduce below paragraph-5 from the affidavit.

“5. That under the aforesaid premises both the petitioners decided to challenge the said notification of the Govt. and contacted Mr. Nigamananda Goswami, the learned Advocate, to challenge the said notification of the Govt. We both the petitioners meet him in his office at Puri, signed the Vakalatnama and handed over all the documents to him to file the case.”

3. We are clear in our mind that applicant and petitioner no.1 are one and same person. Learned advocates engaged by petitioner no.1 will communicate this order to him. Petitioner no.1 is directed to be present in Court on adjourned date.

4. List on 28th February, 2023 marked at 10.30 a.m. Personal appearance of petitioner no.2 is dispensed with.

(Arindam Sinha)
Judge

(S.K. Mishra)
Judge

Sks

