

IN THE HIGH COURT OF ORISSA AT CUTTACK

RSA No.40 of 2020

***Smt. Kanaka Manjari Das &
Another***

....

Appellants

Mr.S.Mishra, Advocate

-versus-

***Sri Radhapradip Das & Twelve
Others***

....

Respondents

Mr.D.P.Mohanty, Advocate
(through Caveat for R.1 to 5 and R.8 to 13)

**CORAM:
MR. JUSTICE D.DASH**

**ORDER
20.07.2021**

Order No.

06. 1. This matter is taken up by video conferencing mode.
2. Heard Mr.S.P.Mishra, learned Senior Advocate for the Appellants in the matter of admission of Appeal. Mr.D.P.Mohanty, learned counsel for the caveators (Respondent Nos.1 to 5 and 8 to 13) assists the Court in pointing out that the findings and ultimate judgment passed by the Lower Appellate Court are unassailable.
3. Perused the judgments passed by the Courts below.

The Appeal is admitted on the following substantial questions of law:

(A) Whether the lower Appellate Court is justified in accepting the deeds of relinquishment (Exts.13 and 17) when the beneficiaries under the said relinquishment deeds were then

having no interest at all over the property covered under those deeds; and

(B) Whether the acquisition of interest by the beneficiaries under the relinquishment deeds subsequent to the execution of the relinquishment deeds would make the said relinquishment deeds stand in springing into action in conferring the right of relinquishers over the said land as per the deeds in favour of the beneficiaries.

4. Since the Respondents Nos.1 to 5 and Respondent Nos.8 to 13 have already entered appearance through caveat, copy of Memorandum of Appeal be served on their Counsel within a week.

5. Issue notice to Respondents 6 and 7 by registered post with AD. Steps be taken within a week hence. In that event, notice be issued fixing a short returnable date within three weeks.

List this matter in the 1st week of September, 2021.

6. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021.

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