



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMAPL No. 515 of 2015

Gangadhar Patri & Ors.

....

Petitioner(s)

Mr. B.B. Dash, Advocate

-versus-

Prirhinath Deb & Ors.

....

Opposite Party(s)

Mr. P.K. Swain, Advocate
(O.P.Nos. 3, 10 to 14)

CORAM: JUSTICE SIBO SANKAR MISHRA

ORDER

24.03.2025

Order No. I.A. No. 210 of 2015

06.

1. The CMAPL application suffers from delay of 44 days.
2. For the reasons stated in the application, the same is allowed subject to the petitioners paying cost of Rs.10,000/- (Rupees ten thousand) to the opposite parties.
3. I.A. stands disposed of and the delay is condoned.

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4. O.J.C. No. 6147 of 2002 was dismissed for non-prosecution on 29.06.2015. When the matter was heard by the Writ Court on 09.12.2014, the learned Single Judge of this Court recorded that the prayer for publication of notice under Order-5, Rule-20 of CPC in respect of opposite parties no.2 to 5 was allowed and the petitioners were directed to take necessary steps in that regard. It is found from the record that the petitioners have indeed taken steps to serve opposite parties no.2 to 5 by substituted service. Subsequent thereto, the matter was listed on 11.05.2015. The



petitioner did not appear before this Court and thereafter again on 29.06.2015, the petitioners remained absent. Therefore, the writ petition was dismissed for non-prosecution. Aggrieved by the same, the present CMAPL No. 515 of 2015 has been filed. Although the petition is suffered from delay of 44 days, the same is pending since 11.08.2015.

5. Learned counsel for the petitioners submits that the writ petition, which was dismissed for non-prosecution deserves merit and hence he seeks for restoration of the same on the ground stated in the application.

6. Regard being had to the submission made at the Bar and the reasons assigned for non-presence of the petitioner on 29.06.2015, the restoration application is allowed. The order dated 29.06.2015 passed in OJC No. 6147 of 2002 is set aside. The OJC No. 6147 of 2002 is restored to its original file, subject to the petitioners paying the cost as stated above.

7. The CMAPL is accordingly allowed.

(S.S. Mishra)
Judge

Ashok

Signature Not Verified

Digitally Signed
Signed by: ASHOK KUMAR JAGADEB MOHAPATRA
Designation: Secretary
Reason: Authentication
Location: High Court of Orissa
Date: 25-Mar-2025 18:53:30

