



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.378 of 2026

TATA AIG Life Insurance ***Petitioners***
Company Ltd., Mumbai & Anr.

Represented by Adv. -
Santosh Kumar Nanda

-versus-

Siba Prasad Mishra ***Opposite Party***

Represented by Adv. -

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA

ORDER
24.03.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners. Perused the CMP application as well as the prayer made therein.
3. By filing the present CMP application, the defendants in C.S No.6750 of 2014 pending in the court of learned Civil Judge (Junior Division), 1st Court, Cuttack have approached this Court by filing the present CMP application thereby challenging order dated 10.05.2022 as well as order dated 02.09.2025 passed in I.A No.02 of 2023 arising out of the abovenoted suit.
3. Learned counsel for the Petitioners at the outset contended that after filing of the suit, issue was framed and the learned trial court under Order 18 Rule 1 of the CPC directed the defendants-company to produce certain guidelines of the company. Learned



counsel for the Petitioners at this juncture contended that since the management of the company has undergone a change in the meantime, the company did not have the copy of the guidelines. However, on verification of the record, it appears that the guidelines were earlier given to the plaintiff and such acknowledgment is available with the defendant-company. Accordingly, an I.A was moved before the learned trial court with a prayer to recall order dated 10.05.2022. Such application for recall having been rejected vide order dated 02.09.2025, the Petitioners have approached this Court challenging such order passed by the learned trial court.

4. On a perusal of the impugned order dated 10.05.2022 as well as order dated 02.09.2025, this Court is of the view that the original order was passed way-back in the year 2022. Thereafter, I.A No.02 of 2023 was filed with a prayer to recall such application which was disposed of vide impugned order dated 02.09.2025.

5. On a careful consideration of the submissions made by learned counsel for the Petitioner as well as the factual background of the present case, this Court is of the view that earlier a direction was issued by the learned trial court to the defendants-company to produce the guidelines. In the event such guidelines are not available with the defendants-company, he should have brought such fact to the notice of the learned trial court in compliance with the order dated 10.05.2022. Instead, the Petitioner file an application bearing I.A No.02 of 2023 with a prayer to recall of order dated 10.05.2022 by taking the help of Section 151 of the CPC. On a careful analysis of the impugned order, this Court is of the view that the learned trial court has not committed any



jurisdictional error. Therefore, this Court is not inclined to interfere with the impugned orders passed by the learned trial court. However, while disposing of the present application, liberty is granted to the Petitioners to bring out the fact that such guidelines are not within to the notice of the learned trial court and, thereafter, the learned trial court shall pass necessary consequential orders.

6. With the aforesaid observations/ directions, the CMP application stands disposed of.

(A.K. Mohapatra)
Judge

Anil