



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.527 of 2026

***Pardeshi @ Pardeshi
Dewangan***

.....

Petitioner

Represented by Adv. -
Gokulananda Sahu

-versus-

1) kailash dewangan

.....

Opposite Parties

Represented by Adv. -

- 2) banuram dewangan
- 3) anil kumar dewangan
- 4) ambika bai dewangan
- 5) narendra dewangan
- 6) sohadra bai dewangan
- 7) savita bai dewangan
- 8) urmila bai dewangan
- 9) lalit kumar dewangan
- 10) suruj dewangan
- 11) sima bai dewangan
- 12) hemlata dewangan
- 13) debendra dewangan
- 14) topram dewanga
- 15) heera bai dewangan

CORAM:

MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

06.05.2026

Order No.

- 02.
- 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 - 2. Heard learned counsel for the Petitioner. Perused the CMP application as well as the prayer made therein.
 - 3. The Petitioner who happens to be the Defendant in C.S. No. 5 of 2024 pending in the Court of learned Civil Judge, (Senior Division), Nuapada has approached this Court by filing the present application under Article 227 of the Constitution of India thereby



challenging the impugned order dated 03.02.2026 passed by the learned trial Court whereby the prayer of the Petitioner-Defendant to accept his counter claim beyond the period of limitation has been rejected by the learned trial Court.

4. Learned counsel for the Petitioner at the outset referred to the judgment of the Hon'ble Supreme Court in **Ashok Kumar Kalra vs. Wing Cdr Surendra Agnihotri** reported in **(2020)2 SCC 394** and submitted before this Court that law has been laid down that sessions case the counter claim can also be accepted beyond the period of limitation, while interpreting Order VIII Rule 6A of CPC. In the present case, the learned trial Court has rejected the counter claim only on the ground that the same was filed beyond the period of limitation. In such view of the matter, this Court is inclined to hear the Opposite Parties.

5. Accordingly, issue notice to the Opposite Party No. 1-Plaintiff by Speed Post with A.D fixing a short returnable date. Requisites be filed within three working days. Notice to other Opposite Parties are dispensed with for the time being.

6. List this matter in the week commencing 29.06.2026.

I.A. No.556 of 2026

7. Issue notice as above.

8. One set of process fee.

(A.K. Mohapatra)
Judge

Signature Not Verified

Digitally Signed
Signed by: SISIR KUMAR SETHI
Designation: PERSONAL ASSISTANT
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 11-May-2026 10:04:56

