



IN THE HIGH COURT OF ORISSA AT CUTTACK
RSA No.264 of 2002

Harmohan Khuntia

.....

Appellant

Represented by Adv. -
M/s. R.k.mohanty

-versus-

Ashamani Jena

.....

Respondent

Represented by Adv. -
M/s.s.p.mishra

CORAM:
MR. JUSTICE ANANDA CHANDRA BEHERA

ORDER
05.01.2026
I.A. No.415 of 2025
(Arising out of RSA No.264 of 2002)

Order No.

22. 1. This matter is taken up through hybrid mode.
2. This I.A. under Order-1, Rule-10 of the C.P.C., 1908 has been filed by one Sagar Jena for his impleadment as Respondent No.1(a), as substituted legal heir of the deceased respondent on the basis of the order dated 16.04.2025 passed in this I.A.
3. Heard from the learned counsels of both the sides.
4. After hearing from the learned counsels, this I.A. filed on behalf of Sagar Jena is allowed and he is to be substituted in place of the deceased respondent only for the purpose of prosecution of this 2nd appeal making it clear that, Sagar Jena is substituted only for prosecuting the appeal and his right and entitlement in the suit



properties are left open to be decided on merit in the judgment of this 2nd appeal vide RSA No.264 of 2002 after hearing from the learned counsels of both the sides and Sagar Jena shall be bound by the pleadings of the deceased respondent Ashamani Jena and his scope is not beyond that.

5. As such, this I.A. filed by the petitioner is disposed of finally.

6. Therefore, the appellant is directed to file consolidated cause title of the appeal memo incorporating the name of Sagar Jena as Respondent No.1(a) after serving copy thereof on the learned counsel for the Respondent No.1(a).

7. Registry is directed to incorporate the name of Sagar Jena as Respondent No.1(a) in the cause title of the appeal memo.

(ANANDA CHANDRA BEHERA)
Judge

RSA No.264 of 2002

23. 1. This 2nd appeal be listed on 17.02.2026 for hearing.
2. Learned senior counsel for the appellant has filed an objection against the report dated 23.06.2025 of the learned Additional Civil Judge (Senior Division), Puri.
3. The said objection shall be considered at the time of argument of this 2nd appeal.



4. Registry is directed to furnish the soft copies of the brief along with LCRs as required by learned counsels of both the sides through pendrives on production of pendrives by the learned counsels of both the sides.

(ANANDA CHANDRA BEHERA)
Judge

Jagabandhu