



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.1038 of 2025

Shakuntala Jena

..... Petitioner

Mr. S.S. Jena, Advocate

-versus-

Himansu Sekhar Jena and Others

..... Opposite Parties

Mr. A.P. Bose, Advocate for O.P.No.2

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

10.10.2025

Order No.

05.

1. Heard Mr.Jena, learned counsel for the Petitioner and Mr.Bose, learned counsel for the Opposite Party No.2.
2. The present CMP is directed against the order dated 24th June 2025 passed by learned First Appellate Court in RFA No.122 of 2024 pending in the Court of the learned 4th Additional District Judge, Khurda at Bhubaneswar, wherein its earlier order dated 2nd June 2025 was recalled at the instance of the present Opposite Party, who is the respondent in the appeal.
3. Admittedly, order dated 2nd June 2025 was passed in absence of the respondent and without hearing him. Thus, when the respondent approached the Appellate Court for recall of the said order dated 2nd June 2025 on the ground of non-participation on his part without being noticed sufficiently, learned Appellate Court felt it appropriate to recall the said order. The Petitioner is unable to satisfy the fact that opportunity of hearing was given to

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the respondent before passing of the order dated 2nd June 2025 by the First Appellate Court.

4. Upon hearing both parties. I do not see any flaw in the impugned order dated 24th June 2025 to interfere with the same.

5. In result, the CMP is dismissed.

(B.P. Routray)
Judge

C.R. Biswal/Anisha