

FAO No.765 of 2019

02. 16.10.2019 None appears for the parties.

2. Delay in filing the appeal, if any is condoned.

3. The issue involved in the appeal is now squarely covered by the decision of the Hon'ble Supreme Court passed in Civil Appeal No.7295 of 2019 (arising out of S.L.P.(C) No.8343 of 2019 [***State of Odisha & Another vs. Anup Kumar Senapati & Another***] disposed of on 16.09.2019.

4. Since the issue is now covered by the decision of the Hon'ble Supreme Court and nothing remains to be decided, it will not be appropriate for this Court to issue notice to the respondent(s), which may cause unnecessary legal expenses and to keep the matter pending.

5. In that view of the matter and in terms of the aforesaid judgment, the appeal stands allowed and disposed of accordingly. The parties will be governed by the aforesaid decision of the Hon'ble Supreme Court dated 16.09.2019 passed in Civil Appeal No.7295 of 2019.

6. However, if the respondent(s) is/are aggrieved by this order, it is open for the respondent(s) to file application within a period of thirty days from today for revival of the appeal.

The Misc. Case(s)/I.A(s) connected to the appeal, if any is/are also disposed of.

Certified copy of this order be granted on proper application.

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(***K.S. Jhaveri***)
Chief Justice