



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMAPL No.474 of 2023

Udaya Chandro Sahu and others

Petitioners

Represented by Adv. –

Mr. S.K. Mohanty

-versus-

State of Odisha and others

Opposite Party

Represented by Adv. –

Mr. S.K. Parhi, ASC

CORAM:

THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

25.02.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. The present CMAPL has been filed at the instance of the Petitioners for restoration of the F.A.O. No.279 of 2019, which was dismissed for non-prosecution vide order dated 21.06.2023.
3. Learned counsel for the Petitioners, at the outset, contended that the above noted F.A.O. was dismissed by the then Hon'ble Chief Justice while setting single. On 21.06.2023, the F.A.O. was taken up, however none appeared on behalf of the Appellants-Petitioners. He further submitted that counsel for the Appellants-Petitioners missed the cause list and, as such, he could not appear before the Court on 21.06.2023. It is also



contended by the learned counsel for the Petitioners that for a single day default to appear before the court, the Bench presided over by the then Hon'ble Chief Justice has dismissed the matter. Being aggrieved by such order dated 21.06.2023 thereby dismissing of F.A.O. for default, the Petitioners have filed the present CMAPL.

4. Learned counsel for the State, on the other hand, contended that on 21.06.2023, none appeared on behalf of the Appellants-Petitioners. As such, F.A.O. has been dismissed due to non-prosecution. He further submitted that no illegality has been committed by dismissing the F.A.O. for default. Learned counsel for the State contended that the present CMAPL is devoid of merit and, hence, the same should be dismissed.

5. Having regard to the submissions made by the learned counsels appearing for the respective parties, on a careful examination of the grounds taken in the CMAPL application, this Court observes that although the F.A.O. was dismissed on 21.06.2023, the present CMAPL application was filed on 10.07.2023 that is within the period of limitation.

6. On a careful consideration of the grounds taken in the CMAPL application as well as the submission made by the learned counsel appearing for the Petitioners, the prayer for restoration of the F.A.O. No.279 of 2019 is allowed.

7. Accordingly, the F.A.O. No.279 of 2019 is restored to file subject to payment of cost of Rs.1,000/- (Rupees one thousand)



to the Advocates' Welfare Fund of the Orissa High Court Bar Association within a period of two weeks hence.

8. The registry is directed to list the F.A.O. No.279 of 2019 before the appropriate Bench.

9. With the aforesaid observation and direction, the CMAPL is disposed of.

(Aditya Kumar Mohapatra)
Judge

Debasis