

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.2313 of 2022

Suraj Prakash Pattnaik and another		Petitioners
	Mr. Samvit Mohanty, Advocate	
	-Versus-	
Smt. Neelam Pattjoshi		Opposite Party
		None

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
03.11.2022

Order No.

- 03.
1. As per the office note, neither A.D. nor unserved notice returned from the sole opposite party.
 2. In order to ensure appearance of opposite party, the Court adjourns the matter to 7th December, 2022.
 3. Today Mr. Mohanty, learned counsel for the petitioner files an affidavit sworn by petitioner No.1 with the pleading that the complaint which was filed before the learned court below under Seciton 138 of N.I. Act was not supported by an affidavit and therefore, it is not maintainable. Mr. Mohanty, learned counsel for the petitioners in support of such pleading cited a decision of the Supreme Court in the case of **TRL Krosaki Refractories Ltd. Vrs. SMS Asia Private Limited and Others AIR 2022 SC 1315**, which is to the same effect. The affidavit as well citation so filed and relied on from the side of the petitioner be kept in record.
 4. List on the date fixed.
 5. Interim order passed earlier shall continue till the next date.

(R.K. Pattanaik)
Judge