



IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No.367 of 2019

Bharati Behera

....

Petitioner

None

-versus-

Sashanka Sekhar Ghana

....

Opposite Party

CORAM: JUSTICE SANJAY KUMAR MISHRA

ORDER

07.04.2025

Order No.

04.

This matter is taken up through hybrid mode.

2. Learned Counsel for the Petitioner is absent on call.

3. Though pursuant to order dated 14.11.2019 notice in admission and stay matter was issued to the sole Opposite Party by Registered/Speed Post with A.D. vide memo dated 02.12.2019 , fixing the date of appearance to 20.12.2019, as per the office note, neither the A.D. nor the undelivered notice returned from the sole Opposite Party.

4. It is further revealed from the record that relevant portion of the stay order dated 14.11.2019 was also communicated to the Court below for information and necessary action. Hence, it can be well presumed that the present Opposite Party, being the Petitioner in MAT Suit No.241 of 2019, pending in the Court of Civil Judge (Sr. Division), Karanjia in the district of Mayurbhanj, must be well aware about the pendency of the present transfer petition. But till date the Opposite Party has not appeared in this case.



5. However, in view of the provisions enshrined under sub-Rule 5 of Rule-9 under Order-5 of CPC, read with Section-27 of the General Clauses Act, 1897, notice on the Opposite Party is held to be sufficient.

6. Since the Counsel for the Petitioner is absent on call, Office is directed to call for a report urgently from the Court below regarding the present status of MAT Suit No.241 of 2019 before the next date of listing.

7. The matter be listed in the week commencing from 28th April, 2025.

8. Interim order dated 14.11.2019 passed in I.A. No.402 of 2019 shall continue till the next date, subject to pendency of MAT Suit No.241 of 2019.

(S.K. MISHRA)
JUDGE

Banita