



**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**CMAPL No.354 of 2024**

***Sridhar Dash***

.....

***Petitioner***

Represented by Adv. –  
Mr. P.V. Balakrishna

-versus-

***State of Odisha & others***

.....

***Opposite Parties***

Represented by Adv. –

Mr. S. Nayak, ASC

Mr.G.K. Rath (O.P.5)

**CORAM:**

**MR. JUSTICE ANANDA CHANDRA BEHERA**

**ORDER**

**04.05.2026**

**Order No.**

03.       **I.A No.423 of 2024**

1.       This matter is taken up through hybrid mode.
2.       This Interlocutory Application under Section 5 of the Indian Limitation Act, 1963 has been filed by the Petitioner praying for condonation of delay of 1950 days in preferring the CMAPL No.354 of 2024 on the ground that the Petitioner was a Principal in a College and his engaged counsel did not intimate about the dismissal of the 2<sup>nd</sup> appeal vide RSA No.317 of 2009 for which he could not able to take steps in due time by filing restoration application and after his retirement, when he came to know that the 2<sup>nd</sup> appeal vide RSA No.317 of 2009 filed by him has been dismissed prior to its admission for non-removal of defects, then, he (Appellant in RSA



No.317 of 2009) filed the CMAPL No.354 of 2024 under Order 41 Rule 19 of CPC along with this I.A for condonation of delay.

3. According to him, the delay in filing CMAPL No.354 of 2024 by the Petitioner is neither intentional nor deliberate but due to non-communication of the matter relating to the dismissal of the 2<sup>nd</sup> appeal by his engaged counsel for which he has prayed for condonation of such delay.

4. Notices issued against Opposite Parties 3, 5, and 6 have already been made sufficient but none has appeared on their behalf.

5. Heard learned counsel for the Petitioner, learned counsel for the Opposite Party No.5 and learned Addl. Standing Counsel for the State.

6. As per the submission of the learned counsels for both the sides and taking into consideration to the stage of dismissal of the 2<sup>nd</sup> appeal vide RSA No.317 of 2009, it is felt proper to condone the delay in preferring the CMAPL No.354 of 2024 by the Petitioner subject to payment of cost of Rs.25,000/- (rupees twenty five thousand) by the Petitioner to the contesting Defendant No.5.

7. The I.A is disposed of finally.

**( ANANDA CHANDRA BEHERA )**

***Judge***

**04. CMAPL No.354 of 2024**

1. As per the submission of the learned counsels for both the sides, this CMAPL be listed tomorrow for hearing subject to payment of cost awarded in I.A No.423 of 2024 as the learned counsel for the Opposite Party No.5 and learned Addl. Standing Counsel are present and none has appeared on behalf of Opposite



Parties 3,5 and 6 in spite of sufficiency of summons issued against them.

2. List this CMAPL on 05.05.2026.

**( ANANDA CHANDRA BEHERA )**  
***Judge***

Pradeep

Signature Not Verified

Digitally Signed  
Signed by: PRADEEP KUMAR SWAIN  
Reason: Authentication  
Location: Orissa High Court, Cuttack  
Date: 04-May-2026 13:25:05

