



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMAPL No.360 of 2024

State Of Odisha & Another **Appellants**

Mr. S.B. Mohanty, AGA

-Versus-

Bidya Bhusan Mohanty & Another **Respondents**

Mr. B.K. Moshra, Advocate

CORAM:

JUSTICE DIXIT KRISHNA SHRIPAD

ORDER

17.12.2025

Order No.
02.

CMAPL No.360 of 2024 & I.A. No.516 of 2025

The FAO was dismissed vide order dated 05.04.2023, pursuant to peremptory order dated 03.03.2023 passed by a Co-ordinate Bench of this Court. An application is moved in CMAPL No.360 of 2024 seeking recall of the said orders. Since there is a delay in making the said application, another application in I.A. No.516 of 2025 is moved seeking condonation of delay of 522 days. Both applications are supported by affidavits. Ordinarily, the litigant cannot be denied access to justice by orders of the kind. No prejudice would be caused to any one, if dismissal orders are recalled and matter is restored to the Board, so that it would be heard on merits in accordance with law. Anything in variance would be injustice.

In the above circumstances, I.A. No.516 of 2025 is allowed and delay is condoned. The application in CMAPL No.360 of 2024 is allowed and order dated 03.03.2023 and its consequential order dated 05.04.2023 are recalled, as a result the main matter, i.e., FAO No.322 of 2017 is restored to the Board for consideration afresh.



The applicants shall pay a sum of Rs.2500/- (rupees two thousand five hundred) only to the Respondent No.1 within a period of four weeks, failing which the recalled order shall revive like phoenix and application stands dismissed.

Web copy of this order to be acted upon by all concerned.

(Dixit Krishna Shripad)
Judge

Madhusmita