



IN THE HIGH COURT OF ORISSA AT CUTTACK
RSA No.369 of 2024

Radhaballava Meher

.....

Appellant

Represented by Adv. -
Deepali Mahapatra

-versus-

1) dhanamati meher

.....

Respondents

2) gokulananda meher

Represented by Adv. - m/s pabitra

3) lalita meher

kumar nayak, h.b.dash,

4) bui meher

a.c.r.das,k.jena,c.mohapatra

CORAM:

MR. JUSTICE ANANDA CHANDRA BEHERA

ORDER

17.03.2026

Order No.

04. 1. This matter is taken up through hybrid mode.
2. Heard the 2nd appeal from the learned Counsels of both the sides.
3. Admit the 2nd appeal on formulation of the following substantial question of law i.e.:-
- (i) “Whether, the judgment and decree passed by the learned 1st Appellate Court in R.F.A. No.24 of 2023 under Section 96 of the C.P.C. in dismissing that R.F.A. No.24 of 2023 on the ground of limitation without exempting the period prosecuted by the Appellant under Order 9 Rule 13 of the C.P.C. for setting aside the ex parte decree up to the High Court i.e. up to the judgment passed in the C.M.P. No.937 of 2022 is sustainable under law?”



4. Issue notice to the Respondents.
5. The learned counsel for the Appellant is directed to file requisites within seven working days for issuance of notice to the Respondents through Speed Post.
6. Registry is directed to call for the photo copies of the LCRs of this 2nd appeal.
7. List this matter on 27.08.2026.

(ANANDA CHANDRA BEHERA)
Judge

Binayak

Signature Not Verified

Digitally Signed
Signed by: BINAYAK SAHOO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 19-Mar-2026 11:21:49

