

IN THE HIGH COURT OF ORISSA AT CUTTACK

R.S.A NO.304 OF 2022

Asit Kumar Mandal

....

Appellant

Mr.Yeesan Mohanty, Sr.Advocate

-versus-

Narendra Kumar Swain & Others

....

Respondents

CORAM:

MR. JUSTICE D.DASH

ORDER

22.11.2022

Order No.

- 02.
1. This matter is taken up through hybrid arrangement (virtual/physical) mode.
 2. A memo being filed in Court today as to engagement of Mr. Yeesan Mohanty, learned Senior Counsel to argue on behalf of the Appellant; the same is taken on record.
 3. Heard Mr. Y. Mohanty, learned Sr. Counsel for the Appellant and Mr. S.D. Das, learned Senior Counsel for the Respondent No.1 in the matter of admission of this Appeal.
 4. Considering the submission made and on going through the judgments passed by the Courts below; the Appeal is admitted to answer the following substantial question of law:-

- (i) Whether the lower Appellate Court is justified in reversing the Trial Court's finding without taking into consideration the Will dated 20.03.1996, which has been probated in finally holding that Ext.2; registered sale-deed dated 08.11.2000 is valid?

Since the Respondent No.1 has already entered appearance, a copy of the Memorandum of Appeal be served

upon the learned Counsel appearing in his behalf within a week hence.

Submission of the learned Senior Counsel for the Appellant is accepted that no notice is required to be sent to Respondent Nos. 2 to 17 as practically this Appeal, they have no say.

Registry is directed to obtain the digitized copy of LCR.

5. The matter be listed on 9th January, 2023.

**(D. Dash),
Judge.**

Order No.

03.

1. Heard.
2. As an interim, the parties are directed to maintain status-quo in respect of possession of the suit property as it stands today till the next date of listing.

Issue urgent certified copy as per rules.

**(D. Dash),
Judge.**

Narayan