



IN THE HIGH COURT OF ORISSA AT CUTTACK

RVWPET No.318 of 2022

***Narasingh Charan Rath @ Nrusingha* *Petitioner*
Charan Rath & Anr.**

Mr.S.P.Mishra, Sr.Advocate

-versus-

***Surendra Kumar Mohapatra & Ors.* *Opp.Parties*
Mr.B.C.Panda, Advocate**

**CORAM:
JUSTICE B. P. ROUTRAY**

**ORDER
10.08.2023**

Order No.

05.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Mishra, learned Senior Counsel for the Petitioner and Mr.Panda, learned counsel for the Opposite Parties.
3. Mr.Mishra submits that as the sketch map under Ext-7, it is clear that the defendants (Respondents) had acquired the right of passage to the main road through Plot No. 1005, 1007 and 1009 and therefore the substantial question of law falls for decision in the second appeal is that, whether by subsequent development or arising of fresh cause of action, the principle of *res-judicata* would operate?
4. Mr.Panda, learned counsel for the Opposite Parties (defendants) disputes the copy of sketch map produced by the Petitioner (plaintiff) as not the same document under Ext.7.



5. The copy of the sketch map produced by Mr.Mishra, learned Senior Counsel for the Petitioner is kept on record.
6. Call for copy of the LCR in C.S. No. 87 of 2009-I from the Court of Civil Judge (Junior Division), Bhadrak before next date.
7. List on 9th November, 2023.

(B.P. Routray)
Judge

S.Das

