



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMAPL No.417 of 2024
CNR No. ODHC010803812024

Purnamasi Dibya & Others* ... *Petitioners

Dr. S. Dash, Advocate

-versus-

Lingaraj Satapathy & Others* ... *Opposite Parties

Mr. A. Mishra, Advocate

CORAM: JUSTICE G. SATAPATHY

ORDER(ORAL):24.09.2026

Order No.

05.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. This is an application under Order XLI, Rule-19 of CPC by the petitioners seeking restoration of the Second Appeal to file.
3. Heard Dr. Sujata Dash, learned counsel for the petitioners and Mr. Swayam Pravu Jena, learned proxy counsel appearing on behalf of Mr. S.B. Jena, learned counsel for R1(a) and R1(b), but none appears for R-2 despite having entered appearance by a counsel.
4. Admittedly, the Second Appeal was dismissed for default on 09.10.2024, but the petitioners have applied for restoration of Second Appeal on 06.11.2024 which is within the time. Further, no objection to the restoration application has been filed by any of the respondents. In such view of the matter and on consideration of facts stated in the IA and taking into account the substantive



right of the parties which would remain unadjudicated, if the restoration application is not allowed, this Court by taking a lenient view, considers it proper to restore the second appeal to file.

5. Accordingly, the CMAPL stands allowed and the Second Appeal is restored to file. List this matter on 12.10.2026. Parties are, hereby, directed to remain present and ready for hearing of the Second Appeal.

(G. Satapathy)
Judge

Jayakrushna