



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 3717 of 2022

Binapani Mishra.

.....

Petitioners

Mr. A. Ray, Advocate

-versus-

1. State of Odisha

.....

Opp. Parties

2. Sankarsan Mishra

Mr. S.K. Rout, ASC

Mr. Ramesh Chandra Behera, Advocate

CORAM:

HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

17.03.2026

Order No.

07.

(Through hybrid mode)

I.A. No. 505 of 2026

1. This I.A. has been filed by the legal heirs of Opposite Party No.2 for substituting them in his place as he died during pendency of the CRLMC. The copies of the death certificate as well as the legal heir certificate and the mediation report dated 28.03.2025 are annexed to the I.A.

2. Mr. Ramesh Chandra Behera, learned counsel submits that Opposite Party No.2-Sankarsan Mishra died on 04.05.2025 leaving behind his wife Sanjukta Mishra and two sons Shri Bani Prasad Mishra and Shri Surya Prasad Mishra as his legal heirs Vakalatnama has been filed on their behalf. So they may be impleaded as



Opposite Party No.2 (a), 2 (b) and 2 (c) in this CRLMC in place of Opposite Party No.2, as the right to sue and be sued survives upon them.

3. Mr. A. Ray, learned counsel for the Petitioner submits that he has received the copy of the I.A. and has no objection if the I.A. for substitution of Opposite Party No.2 is allowed.

4. Considering the submissions of the learned counsel, the I.A. is allowed.

5. Mr. Ray, learned counsel for the Petitioner undertakes to file a consolidated cause title incorporating the names of the legal heirs in the cause title of the CRLMC by 19.03.2026.

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6. The matter had been referred to mediation on 18.02.2025 by this Court.

7. On 23.04.2025, the Petitioner submitted that the mediation was successful and he had come with demand drafts of Rs.8,00,000/- and it had been agreed that after receiving the amount, the Opposite Party No.2 shall not make any further claim in connection of Baliapanda P.S. Case No. 62 of 2017 and file an affidavit to that effect and also file a withdrawal memo in the said case, the matter



had been adjourned to 29.04.2025 directing the joint affidavit to be produced before this Court 29.04.2025 and the Registry had been directed to call for the mediation report.

8. Thereafter the matter was not listed.

9. The compromise affidavit has been sworn on 2nd May, 2025 and filed before this Court along with the copies of two demand drafts of Rs.5,00,000/- and Rs.3,00,000/-. The mediation report has also been received from the High Court Mediation Centre.

10. It is stated by Mr. Ramesh Chandra Behera, learned counsel that the sons of deceased Opposite Party No.2, namely, Shri Bani Prasad Mishra and Shri Surya Prasad Mishra have authorized their mother-Ms. Sanjukta Mishra to receive the demand drafts, Mr. Ray, learned counsel for the Petitioner undertakes to produce the demand draft(s) for Rs.8,00,000/- in the name of Ms. Sanjukta Mishra on the next date.

11. List this matter on 25.03.2026.

12. Interim order passed earlier shall continue till the next date.

(Savitri Ratho)
Judge

puspa