IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No. 33251 of 2022

Bansi Mallik ..... ***Petitioner***
Mr. T.K. Mishra, Advocate

-versus-

Banita Mallik & Ors. ..... ***Opposite Parties***
Mr. A. Tripathy, AGA
Mr. D.N. Mohapatra, Advocate
(Opp. Party No. 1)

CORAM:
THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY
ORDER
29.04.2025

Order No. 05

1. This matter is taken up through hybrid mode.

2. Heard learned counsel appearing for the Parties.

3. In course of hearing learned counsel appearing for the Petitioner contended that since the impugned order is an appealable one, Petitioner be permitted to withdraw the present writ petition with liberty to approach the appellate court.

4. However, it is contended that since the writ petition is pending before this Court with due entertainment of the same and passing of an interim order on 08.12.2022, Petitioner be allowed three (3) weeks time to file the appeal along with an interim application.

4.1. It is further contended that on filing of such appeal within the aforesaid period of three (3) weeks, the same be entertained by the appellate court and the issue be decided on merit.

5. Learned counsel appearing for the Opp. Party does not dispute the contention raised by the learned counsel appearing for the Petitioner.

6. Having heard learned counsel appearing for the Parties and considering the submissions made, this Court while disposing the writ petition, grants liberty to the Petitioner to move the appellate court against the impugned order.

6.1. It is observed that, if any such appeal will be filed within a period of three (3) weeks hence, the appellate court shall entertain the same and decide the appeal on merit without insisting on any delay.

6.2. The appellate court shall also pass appropriate order in the interim application that will be filed along with the appeal. The appellate court is also directed to take up the interim application and pass appropriate order thereon within a period of fifteen (15) days from the date of filing of the appeal.

6.3. Till passing of an interim order either way, interim order passed by this Court on 08.12.2022 shall continue.

6.4. Certified copy of the impugned order be returned back to the learned counsel for the Petitioner by taking photo-copy of the same.

7. The writ petition is disposed of accordingly.

(BIRAJA PRASANNA SATAPATHY)
Judge

Signature Not Verified
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Signed by: SNEHANJALI SARDA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 30-Apr-2025 18:23:02