



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.1415 of 2024

Trinath Patra & others

....

Petitioner

Ms. P.Naidu, Advocate

-Versus-

Ainthe Routray & others

....

Opposite Parties

None

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

28.03.2025

Order No.

01.

1. Heard Ms. Naidu, learned counsel for the petitioners.
2. Instant petition is filed by the petitioners challenging the impugned order dated 16th September, 2024 passed in connection with T.S. No. 111 of 2001 by learned Civil Judge (Senior Division.) LR<V, Bhubaneswar.
3. Recorded the submission of Ms. Naidu learned counsel for the petitioners. It is submitted that the petitioners have been added as parties pursuant to the order dated 7th March, 2012 by learned court below. The submission is that some of the defendants, namely, predecessors-in- interest of the petitioners died during the pendency of the suit and required to be substituted which was not carried out by opposite party No.1. The further submission is that a memo was filed by opposite party No.1 stating therein that the suit as had already been abated, there is no need for substitution in respect of the deceased defendants and it was followed by an order dated 16th September, 2024 at Annexure-3 with a conclusion that he



is the master of the suit and cannot be compelled to take steps for substitution of the LR's vis-à-vis defendant Nos. 5, 7 & 10. Considering the submissions as above and grounds advanced and challenging the impugned order dated 16th September, 2024, the Court is inclined to issue notice to opposite party No.1 as notices vis-à-vis opposite party Nos. 2 to 6 are not necessary and hence, dispensed with.

4. Accordingly, it is ordered.

5. Notice to the opposite party No. 1 by Registered Post with AD returnable at an early date and for the said purpose, requisites shall be filed by Ms. Naidu, learned counsel for the petitioners within next seven days from today.

6. Awaiting appearance of opposite party No.1 with a response on record and for orders, list on 2nd May, 2025.

(R.K. Pattanaik)
Judge

I.A. No.1455 of 2024

- 02.
1. Heard Ms. Naidu, learned counsel for the petitioners.
 2. Instant petition is for interim orders.
 3. Since substitution has been given a go by in respect of the deceased-defendants which is likely to affect the interest of the petitioners, considering such submission of Ms. Naidu, learned counsel for the petitioners, this Court, as an interim measure, awaiting appearance of opposite party No.1 directs that the further proceeding of the suit in T.S. No. 111 of 2001 pending before the



learned Civil Judge (Senior Division.) LR<V, Bhubaneswar shall be deferred to any future date later to 2nd May, 2025.

4. List on the date fixed.
5. Urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge

Kabita

Signature Not Verified

Digitally Signed
Signed by: KABITARANI MAJHI
Designation: Secretary
Reason: Authentication
Location: OHC, Cuttack
Date: 04-Apr-2025 11:42:08

