



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.1946 of 2025
CNR No.ODHC010906592025

**The Commissioner, Cuttack
Municipal Corporation**

....

Appellant

Represented by Adv.–
Mr. Debasis Nayak, Advocate

-Versus-

Srikanta Kumar Swain and others

....

Respondents

Represented by Adv.–
Mr. Rama Krishna Bisoi, Advocate

**CORAM:
HON' BLE THE CHIEF JUSTICE
AND
HON'BLE MR. JUSTICE CHITTARANJAN DASH**

Order No.

**ORDER
18.08.2026**

08. **I.A. No.1492 of 2026**

1. The instant application is at the behest of respondent No.1-applicant seeking to recall the order dated 23rd March, 2026 passed in the instant appeal whereby and whereunder, an application seeking condonation of delay being I.A. No.556 of 2026 was disposed of.

2. The tenet of the order would reveal that the Bench allowing the said application for condonation of delay was in fact persuaded by the fact that the original order was sought to be reviewed by the appellant



before the single Bench and the instant appeal is filed against the order dismissing the application for review. In such perspective, it was held that there is no delay in filing the instant appeal, and, therefore, the application for condonation of delay is merely surplus, having been filed with abundant caution.

3. It is pointed out in the instant application which also appears from the preamble of the instant writ appeal that the order dated 16th July, 2024 passed in W.P.(C) No.16828 of 2024 and order dated 21st November, 2025 passed in RVWPET No.199 of 2025 are assailed therein. A plea is taken by the applicant that the remedy by way of an appeal against an order rejecting the review application is not provided in the statute; rather an embargo is created under Order 47 Rule 7 of the Code of Civil Procedure, 1908.

4. We do not find any quarrel to the above stand of respondent No.1 as we find from the provisions contained under Order 47 Rule 7 of the Code that rejection of a review application is not appealable one. There is no fetter on the part of the Court, when more than one order is assailed in one appeal, to treat the same against one of such order which provides a remedy by way of an appeal. We do not find any embargo created in the statute that order disposing of the writ petition



is not appealable one and, therefore, the appeal will be treated to be valid against the order disposing of the writ petition.

5. Furthermore, the rejection of an application for review does not invite the merger of the original order sought to be reviewed and, therefore, an appeal against the original order is maintainable to which we do not find any quarrel in law. If we treat the instant appeal to have been filed against the original order disposing of the writ petition, there appears a considerable delay in filing the same and, therefore, the application for condonation of delay ought to have been decided on its merit. We find substance in this regard as there is an apparent delay in preferring the instant writ appeal against the original order disposing of the writ petition.

6. We, thus, recall the order dated 23rd March, 2026. The I.A. No.556 of 2026 is restored to its original file.

7. The I.A. is, accordingly, disposed of.

W.A. No.1946 of 2025

8. Despite restoration of the aforesaid application to its original file and number, we find several other interlocutory applications have been



filed by the appellant to which learned counsel for respondent No.1 submits that the copies of those applications may be served upon him.

9. In view of the above, the appellant is directed to serve the copies of all the interlocutory applications filed in the instant appeal upon Mr. Rama Krishna Bisoi, learned counsel for respondent No.1 in course of this week.

10. List this matter on 25th August, 2026.

(Harish Tandon)
Chief Justice

(Chittaranjan Dash)
Judge

S.K. Guin/PA