

(2022) 02 OHC CK 0058
In the Orissa High Court
Case No : CMP No.668 of 2021

Janaki Ghantiali And Another

APPELLANT

Vs

Satish Chandra Barik And Others

RESPONDENT

Date of Decision : 07-02-2022

Acts Referred:

Code of Civil Procedure, 1908 — Order 7 Rule 11

Citation : (2022) 02 OHC CK 0058

Hon'ble Judges : K.R.Mohapatra, J

Bench : Single Bench

Advocate : Sarojananda Mishra,

Final Decision : Dismissed

Judgement

K.R. Mohapatra, J

1. This matter is taken up through Hybrid mode.
2. None appears for the Petitioners at the time of call.
3. Perused the letter of Senior Civil Judge, Keonjhar dated 17th January, 2022.
4. On perusal of the above letter, it appears that although a direction for disposal of Petition under Order VII Rule-11 CPC was issued in this CMP (CMP No.668 of 2021), but on perusal of the record, learned Senior Civil Judge, Keonjhar found no such application was available in the case record of CS No.26 of 2021 pending before him. It further appears from the said letter that one Janaki Ghantiali, the Defendant No.1 had filed an affidavit on 4th January, 2022 stating that she (Defendant No.1) along with Defendant Nos. 2 to 5 have not filed any petition under Order VII Rule-11 CPC before the said Court, but Defendant No.1 had filed CMP No.688 of 2021 with a prayer to reject the plaint.

5. In view of the above, this Court has no other option than to recall the order dated 14th December, 2021. Accordingly, order dated 14th December, 2021 by which the instant CMP No.6882021 was disposed of, is recalled.

6. Consequentially, the CMP stands dismissed.

7. Registry shall communicate this order to learned Senior Civil Judge, Keonjhar forthwith.

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