

(2024) 06 OHC CK 0018
In the Orissa High Court
Case No : CMP No. 356 Of 2024

Prafulla Kumar Jena And Another

APPELLANT

Vs

Pathani Kumar Jena And Others

RESPONDENT

Date of Decision : 20-06-2024

Acts Referred:

Code of Civil Procedure, 1908 — Order 8 Rule 1A, Order 11

Citation : (2024) 06 OHC CK 0018

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

Bench : Single Bench

Advocate : Amit Prasad Bose

Final Decision : Disposed Of

Judgement

K.R. Mohapatra, J

1. This matter is taken up through hybrid mode.
2. Petitioner in this CMP seeks to assail the order dated 18th March, 2024 (Annexure-1) passed by learned Additional Senior Civil Judge, Puri in CS No.525 of 2017, whereby an application filed by the Plaintiffs-Petitioners under Order VIII Rule 1-A CPC to direct the Defendants to deliver the documents relied upon by them in the written statement, has been rejected.
3. In course of hearing, Mr. Bose, learned counsel for the Petitioners submits that proper course on the part of the Plaintiffs would have been to file an appropriate application under Order XI CPC. But, unless the impugned order under Annexure-1 is set aside, it may stand on the way to move such an application. He, therefore, prays for withdrawal of this CMP to file appropriate application under Order XI CPC before learned trial Court and submits that the observations made in the impugned order under Annexure-1 should not stand on the way to move such application.
4. In view of such submission, this CMP is disposed of as withdrawn with an

observation that the observations made in the impugned order under Annexure-1 shall not stand on the way in the event, the Petitioners move an appropriate application under Order XI CPC.

5. It is made clear that this Court has not expressed any opinion on the merits of the application, if any, to be moved under Order XI CPC.

Urgent certified copy of this order be granted on proper application.

.....