

Petition(s) for Special Leave to Appeal (C) No(s). 15654/2023

[Arising out of impugned final judgment and order dated 23-12-2022 in RSA No. 38/2021 passed by the High Court of Orissa at Cuttack]

ARJUNA MAHARANA (SINCE DEAD) THROUGH LRS & ANR. Petitioner(s)

VERSUS

BANCHHA BEHERA @ BANCHHANIDHI BEHERA & ORS. Respondent(s)

Date : 10-02-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Petitioner(s) : Mr. Sudhansu Palo, AOR
Mr. P. K. Dash, Adv.
Mrs. Ipsita Behura, Adv.
Mr. Rajesh Palo, Adv.
Mr. Rakesh Kumar Palo, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

On perusal of office report dated 07.02.2025, it is noted that the respondents although served with the notice issued by this Court have not chosen to appear before this Court.

In the circumstances, we have heard learned counsel for the petitioner(s) only.

Having heard learned counsel for the petitioner(s) and on perusal of the material on record including the impugned judgment as well as the judgment passed by the First Appellate Court and the Trial Court, we find that an opportunity must be given to the petitioner(s) herein to seek for an appointment of a fresh Commissioner to measure the subject land.

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In the circumstances, we dispose of this special leave petition by reserving liberty to the petitioner(s) herein to file a review petition before the High Court along with an application seeking appointment of a fresh Commissioner.

It is needless to observe that if such a review petition is filed within a period of one month from today, the issue of limitation in filing the review petition shall not be raised by the High Court. The review petition along with an application seeking appointment of a fresh Commissioner shall be considered by the High Court in accordance with law.

Pending application(s) shall stand disposed of.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(DIVYA BABBAR)
COURT MASTER (NSH)