

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**MATA No.44 of 2019**

***Basanta Kumar Dash***

.... ....

***Appellant***  
Mr. S. Swain, Adv.

-Versus-

***Priyanka Dash & Anr.***

.....

***Respondent***  
Mr. S. Mishra, Adv.

**CORAM:**

**JUSTICE S. TALAPATRA**

**JUSTICE SAVITRI RATHO**

**ORDER**

**30.11.2022**

**Order No.**

17.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Mr. S. Swain, learned counsel appearing for the appellant has submitted that no instruction could be obtained from the appellant he is not in a position to participate in the proceeding.
3. In the order dated 17.11.2022, we had clearly mentioned that if today there was no instruction, this court would be compelled to pass the appropriate order.
4. Mr. S. Mishra, learned counsel appearing for the respondent has submitted that the appellant is deliberately avoiding the proceeding as he has been directed by this court to pay a sum of Rs.15 lakhs. But the said sum has not been paid. A period of one year has already elapsed.
5. Therefore, the appeal stands dismissed for non-prosecution.

6. To avert any confusion, we make it clear that because of this order, the original decree will be in force, not the intermediate order as passed on 16.03.2022.

**(S. Talapatra)**  
**Judge**

**(Savitri Ratho)**  
**Judge**

*Rati Ranjan*

