

IN THE HIGH COURT OF ORISSA AT CUTTACK

M.A. No. 708 of 1999

Madhusudan Singh

....

Appellant

Mr. B.M. Pattnaik, Advocate

-versus-

Dhadi Das

....

Respondent

None

**CORAM:
THE CHIEF JUSTICE**

Order No.

**ORDER
26.08.2022**

42. 1. This appeal is directed against a judgment dated 7th May, 1999 passed by the 2nd Additional Civil Judge (Senior Division), Cuttack in Title Appeal No.37 of 1997. The said appeal was filed by the Defendants in T.S. No.4 of 1991 against the decree passed in the said suit dated 18th March, 1997 filed by the present Appellant i.e. the Plaintiff. By the impugned judgment, the Appellate Court has set aside the judgment and decree of the trial Court and remanded the suit for a fresh disposal in accordance with law after framing the required issues as discussed in the judgment.
2. Having heard learned counsel for the Appellant/Plaintiff, the Court is of the view that the well reasoned judgment of the First Appellate Court does not call for interference and that the Title Suit No.4 of 1991 should now proceed before the trial Court in accordance with law after framing the issues in the manner indicated in the judgment of the 1st Appellate Court. Considering

that the suit is of the year 1991 and the present appeal itself has been pending for more than 20 years, it is directed that the suit shall be disposed of within a period of six months from the date of production of a certified copy of this order. For that purpose, the said T.S. No.4 of 1991 will be listed in the Court of the Civil Judge (Junior Division), 2nd Court, Cuttack on 26th September, 2022 on which date the present Appellant i.e. Plaintiff will remain present. He should cooperate with the Court in the completion of the proceedings. Since all the pleadings in the suit are already completed, the suit will proceed from the stage of framing issues as directed by the 1st Appellate Court and a time schedule be drawn up by the trial Court for disposal of the suit within the time indicated.

3. The appeal is disposed of in the above terms. An urgent certified copy of this order be issued as per rules. A certified copy of this order also be sent to the court of the Civil Judge (Junior Division), 2nd Court, Cuttack forthwith.

(Dr. S. Muralidhar)
Chief Justice

S.K. Jena/Secy.