

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**CMP NO. 27 OF 2019**

***Rajkunwar Nayak and others*** ..... ***Petitioners***  
Mr. L. Das, Advocate on behalf  
of Mr. Jajati Kishore Mohanty, Advocate  
-versus-  
***Baikuntha Nath Nayak*** ..... ***Opp. Party***  
Mr. S.S.K. Nayak, Advocate

**CORAM:**  
**JUSTICE K.R. MOHAPATRA**

**ORDER**  
**07.12.2022**

**Order No.**

4.
  1. This matter is taken up through hybrid mode.
  2. This CMP has been filed assailing the order dated 10<sup>th</sup> August, 2018 (Annexure-6) passed by learned Civil Judge (Junior Division), First Court, Cuttack, whereby an application filed by the Petitioners under Section 10 C.P.C. has been rejected.
  3. Mr. Das, learned counsel appearing on behalf of Mr. Mohanty, learned counsel for the Petitioners by filing a memo submits that he does not have any instruction in the matter. The same is taken on record.
  4. In view of the above, this writ petition is dismissed for non-prosecution.
  5. It is, however, directed that learned trial Court shall take appropriate steps for early disposal of the suit, if there is no other legal impediment.

6. The interim order dated 16<sup>th</sup> January, 2019 passed in I.A. No. 32 of 2019 stands vacated.

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

bks

**(K.R. Mohapatra)**  
**Judge**

