

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.32 of 2022

Soubhagini Sahoo & Anr.

....

Petitioner(s)

Mr. S.K.Nayak, Advocate

-versus-

Prahallad Prusty

....

Opposite Party(s)

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
07.02.2022**

Order No.

1.

1. Heard learned counsel appearing for the petitioners.

2. There is serious allegation by Defendant Nos.1 and 2 in C.S.No.22 of 2017 to the effect that in spite of their filing the W.S., the Civil Judge (Junior Division), Kendrapara is insisting for filing service affidavit and unnecessarily keeping the said proceeding pending. Keeping in view the submission that other defendants have no contest in the proceeding, this Court observes in the event petitioners are only contesting defendants and they have already filed W.S. and there is no necessity of contest by the other defendants, the Civil Judge, (Junior Division), Kendrapara on examining such aspect shall do well in proceeding with the trial and conclude the trial, even if there is no contest of defendant Nos.3 to 5, at least within a period of nine months from the date of production of certified copy of this order by the petitioners.

3. The C.M.P. stands disposed of with the observation made hereinabove.

***(Biswanath Rath)*
Judge**

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