

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.74 of 2022

Baikunthanath Jagadev and others* *Petitioners

Miss Sasmita Mishra, Advocate
on behalf of Mr. T.Panigrahi, Advocate

-versus-

Biswanath Jagadev and others* *Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

28.11.2022

Order No.

2.
 1. This matter is taken up through Hybrid mode.
 2. This CMP has been filed for a direction to Additional Civil Judge (Senior Division), Puri to disposal of the final decree proceeding in CS No.77/562 of 2013/2011 at an early date.
 3. Miss Mishra, learned counsel appearing on behalf of Mr. Panigrahi, learned counsel for the Petitioners submits that the parties to the final decree proceeding have already entered appearance and there is no legal impediment for early disposal of the same. However, due to non-cooperation of the defendants, the matter is being dragged on. Although attempt was made before learned trial Court for early disposal of the final decree proceeding, but in vain. Hence, this CMP has been filed.
 4. From the submission of learned counsel appearing for the Petitioners and on perusal of the record, this Court is not sure about the stage of final decree proceeding. Hence, this Court is not in a position to consider the prayer made in the CMP at this stage.

5. Since Miss Mishra, learned counsel appearing for the Petitioners submits that parties to the final decree proceeding have already entered their appearance, this Court, without expressing any opinion on the merit of the submission, disposes of the CMP with an observation that if the Petitioners so advised may move the learned trial Court for early disposal of the final decree proceeding by filing appropriate application to that effect and in that event, learned trial Court may consider the same in accordance with law and proceed with the matter.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge



s.s.satapathy