

IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P. No.77 of 2022

Kshetramani Ray

....

Petitioner(s)

Mr. S. Rath,
Advocate

-versus-

Rasmita Samal

....

Opposite Party(s)

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
08.02.2022**

Order No.

02.

1. For the consistent view of the Court that for the pendency of application U/o.39 rule 1 & 2, entering into the impugned order may prejudice the decision process involving the application U/o.39 rule 1 & 2 and such application can only be decided expediting the hearing of application U/o.39 rule 1 & 2 of C.P.C., this Court declines to interfere in the order of rejection of an application under Order 39 rule 3 of C.P.C. However, keeping in view that the I.A. involving request under Order 39 rule-1 & 2 of C.P.C is posted to 11th February, 2022, this Court directs, if service of notice on the Opposite Parties therein is already made sufficient, all such attempt may be made by the learned Civil Judge (Sr. Divn.), Rourkela to conclude the proceeding involving an application under Order 39 rule 1 & 2 of C.P.C. within a period of three weeks from the date of communication of an authenticated copy of this order by the Petitioner. This Court further observes, in the event service of notice has not been made sufficient as yet, the Petition may

ask to take-out notice on the Opposite Parties by way of Special Messenger at his own cost by applying within one week and all out attempt should be made to dispose of the application under Order 39 rule 1 & 2 within a period of three weeks from the date of communication of this order.

2. The Civil Miscellaneous Petition is accordingly disposed of.

(Biswanath Rath)
Judge

Ayaskanta Jena

