

IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P. No.107 of 2022

Manibhadra Nayak

....

Petitioner(s)

Mr. D.P. Mohanty,
Advocate

-versus-

Rabindra Nanda & Anr.

....

Opposite Party(s)

CORAM:

JUSTICE BISWANATH RATH

ORDER

15.02.2022

Order No.

01.

1. During course of submission, this Court finds, dispute involves allowing of an application U/o.9 rule 13 of C.P.C involving an *ex parte* judgment and decree.

2. On perusal of the order at Annexure-5 this Court finds, while allowing such application taking into account the time lost, the trial court granted cost for there is requirement of fresh contest in disposal of the suit. This Court finds, there is no infirmity in both the orders of the courts below. It is, at this stage of the matter, learned counsel for the Petitioner requests for timely disposal of the suit at least.

3. Considering that the suit is pending since 1998 and there is recalling of an *ex parte* judgment and decree, this Court in disposal of the C.M.P. directs the trial court to take all possible steps for concluding the proceeding vide T.S. No.261 of 1998 within a period of nine months form the date of communication of an authenticated copy of this order by the Petitioner.

(Biswanath Rath)
Judge