

IN THE HIGH COURT OF ORISSA AT CUTTACK
C.M.P. No.121 of 2022

Gouranga Behera

....

Petitioner(s)
Mr. B. Subudhi,
Adv.

-versus-

Giridhari Behera

....

Opposite Party(s)

CORAM:
JUSTICE BISWANATH RATH

ORDER
16.02.2022

Order No.

01.

1. This C.M.P. involves a challenge to the order of injunction passed by allowing an application U/o.39 rule 3 of C.P.C. As there is availability of statutory remedy of appeal as against the impugned order, this C.M.P. is not entertainable at this stage.
2. It is, at this stage of the matter, learned counsel for the Petitioner sought for targeting the I.A. involving consideration of application U/o.39 rule 3 of C.P.C.
3. Considering the urgency involved in this matter and as the Petitioner is suffering by the temporary injunction by allowing an application U/o.39 rule 3 of C.P.C., this Court directs the learned Court below to dispose of the I.A. involving an application U/o.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. It is also directed that if the service of notice on the Opposite Parties

therein has not been made sufficient as yet, Petitioner may take out notice on them by way of Special Messenger on his cost.

4. The C.M.P. is disposed of.

(Biswanath Rath)
Judge

Ayaskanta Jena

