

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP NO.132 OF 2022

Ashok Kumar Bastia

....

Petitioner

Mr.S.Das, Adv.

-versus-

R.Subhramaniyam

....

Opposite Parties

**CORAM:
JUSTICE BISWANATH RATH**

**Order
No.**

**ORDER
18.2.2022**

01. 1. Heard learned counsel for the Petitioner.
2. This CMP involves rejection of an Application at the instance of the Defendant in an attempt to stay the execution proceeding on the premises that the decree involved in execution is already challenged in RFA No.36/2020 pending on the File of the District & Sessions Judge, Bhubaneswar.
3. It is strange to observe that the said Appeal was filed in 2020 but yet to be admitted and as a consequence, there is no decision involving the Application for stay. There is no dispute that the Court proceedings are obstructed by Corona reason for some time but it is unbelievable that an Appeal filed in 2020 is yet to be taken up for admission. This Court finding difficulty faced by the Defendant in

continuance of the execution proceeding, while directing the execution proceeding to stay for another four weeks on filing of a copy of the order of this Court, the Appellate Authority shall do well in taking up the Interim Application. It is also necessary for admission involving R.F.A. No.36/2020 within two weeks. There will be no adjournment by either of the Parties.

4. The CMP thus stands disposed of.

5. Issue urgent certified copy.

(Biswanath Rath)
Judge

M.K.Rout

