

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP NO. 1345 OF 2017

Nihar Malini Ray ***Petitioner***

Mr. Goutam Kumar Acharya, Advocate

-versus-

Pravat Kumar Das and others ***Opp. Parties***

Mr. Suvashis Pattnaik, Advocate on
behalf of Mr. S. Mohanty, Advocate
(For Opp. Party Nos.1(a) to 1(d))

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
09.09.2022

Order No.

16. 1. This matter is taken up through hybrid mode.
2. Seen the kind minutes of Hon'ble the Chief Justice at Flags-1 and 2.
3. The Petitioner in this CMP seeks to assail the order dated 13th October, 2017 (Annexure-6) passed by learned District Judge, Khurda at Bhubaneswar in Execution Proceeding No.26 of 2017 and also prays for a direction to transfer of Arbitration Proceeding No. 56 of 2016 from the court of learned District Judge, Bhadrak to Bhubaneswar to hear the matter along with execution proceeding in which the impugned order has been passed.
4. In course of hearing, Mr. Acharya, learned Senior Advocate appearing for the Petitioner submits that he does not press the prayer for transfer of Arbitration Proceeding No. 56 of 2016 to the court of learned District Judge, Bhubaneswar. He further submits that the Petitioner is ready and willing to pursue

the Arbitration Proceeding No.56 of 2016 before learned District Judge, Bhadrak. Since the Arbitration Proceeding is pending since 2016, a direction may be made for early disposal of the same.

5. Mr. Pattnaik, learned counsel appearing on behalf of Mr. S. Mohanty, learned counsel for Opposite Party Nos.1(a) to 1(d) submits that the Petitioner may pursue her remedy before learned District Judge, Bhadrak and a direction may be made to dispose of Arbitration Proceeding No.56 of 2016 at an early date, if there is no legal impediment.

6. In view of the submissions made by learned counsel for the parties, this CMP is disposed of with a direction to the learned District Judge, Bhadrak to make an endeavour to dispose of Arbitration Proceeding No.56 of 2016 as expeditiously as possible preferably within a period of four months from the date of production of certified copy of this order, giving opportunity of hearing to the parties concerned, if there is no legal impediment.

7. In order to avoid further delay in the matter, parties are directed to appear before learned District Judge, Bhadrak along with certified copy of this order on 22nd September, 2022 to receive further instruction in the matter.

8. The interim order dated 31st October, 2017 passed in Misc. Case No.1508 of 2017 stands vacated.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge