

IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P.No.145 of 2022

Charubala Nanda & Anr.

Petitioner(s)

Mr.B.P.Das, Advocate

-versus-

Sandhya Rani Pal & Anr.

Opposite Party(s)

(Disposed of at the stage
of admission)

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
24.02.2022**

Order No.

01.

1. Heard learned counsel appearing for the petitioners.
2. Undisputedly an application under Order 39, rule 1 & 2 of the Code of Civil Procedure is still pending adjudication. As admitted, application under Order 39, rule 7 of the Code of Civil Procedure was filed with foundation of ex-parte status quo order on an application under Order 39, rule 3 of the Code of Civil Procedure. Opponent is yet to open its card. For the opinion of this Court there is no room for an application under Order 39, rule 7 of the Code of Civil Procedure in absence of finality of the application under Order 39, rule 1 & 2 of the Code of Civil Procedure and there is cause of action involving violation of final order of injunction.
3. In the circumstance, this Court finds there is no stage for moving an application under 39, rule 7 of the Code of Civil Procedure which is rightly rejected. Consequently, the C.M.P. stands dismissed.

***(Biswanath Rath)*
Judge**

Sks