

IN THE HIGH COURT OF ORISSA AT CUTTACK

**ARBA No.9 Of 2022
(Through hybrid mode)**

M/S. Khandelwal Steel and Pipes* *Appellant

Mr. Prafulla Kumar Rath, Advocate

-versus-

Smt. Kusum Dhal and another* *Respondents

Mr. Manas Mohapatra, Senior Advocate

CORAM: JUSTICE ARINDAM SINHA

**ORDER
18.04.2022**

**Order No.
04.**

1. Mr. Tarun Patnaik, learned Special Officer appears and files his report. Mr. Rath, learned advocate appears on behalf of appellant and submits, copy of Special Officer's report has been received by his client. Mr. Mohapatra learned senior advocate appears on behalf of respondents and confirms his client has also received the report. The envelope is opened and report is perused.

2. Mr. Rath draws attention to page 7 in the report (photograph) and submits, the wall was newly constructed with wrongful intention of obstruction his client's access to the warehouse. His client deals with steels and pipes. The goods vehicles bring the articles. The wall has obstructed his client is the matter of loading and unloading the

articles to the warehouse.

3. Page 6 in the report (photograph) shows stacking of bricks in front of appellant's showroom. Mr. Mohapatra submits, the bricks are for construction above appellant's showroom but those cannot be taken to the roof because the staircase has been blocked by appellant. He submits further, his client has filed objection to the report. The wall was constructed with authority of the land owner and appellant cannot object.

4. It appears from impugned order that interim measure was not granted on impression had by the Court below that the inconvenience, if any, for couple of days for stacking of bricks cannot said to be irreparable. Special Officer's report is there on record in the appeal. Respondents have taken contention here that access to the roof of appellant's showroom has been obstructed and hence, the stacking of bricks beyond couple of days.

5. Several disputed question of facts have now arisen. In the circumstances, this Court extends the order of status-quo for 4 weeks from date. Parties will take the report of Special Officer to the Court below as well as file their pleadings, i.e., the respondent, his objection to the petition under section 9 of Arbitration and Conciliation Act,

1996 by 27th April, 2022 and thereafter, appellant, his rejoinder by 2nd May, 2022. The Court below will deal with the petition within four weeks from date. If that cannot be done, it will consider on extending the order of status-quo, herby extended till then.

6. The Special Officer has discharged his duty entrusted by Court.
7. The appeal is disposed of.

Prasant



(Arindam Sinha)
Judge