

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP Nos.217 & 218 of 2022

Alekha Mohapatra & Ors.

....

Petitioner(s)

Mr. S.K.Dash, Advocate

-versus-

Guru Charan Mohapatra & Anr.

....

Opposite Party(s)

**CORAM:
JUSTICE BISWANATH RATH**

ORDER

21.03.2022

I.A.No.252 of 2022

Order No.

1.

1. Learned counsel appearing for the petitioners does not want to press this I.A. Consequently, the I.A. stands rejected as not pressed.

(Biswanath Rath)
Judge

ORDER

21.03.2022

CMP Nos.217 & 218 of 2022

Order No.

1.

1. Heard the submission of Mr.Dash, learned counsel appearing for the petitioners. .

2. Undisputedly petitioners in both the Civil Miscellaneous Petitions are suffering on account of non-execution of sale deed involving the disputed property. Petitioners make a clear statement that they had to suffer on account of judgment and decree but submitted there cannot be any restriction on purchase of share of the disputed property from the share holder. For the contingency, this Court finds instead of approaching the trial court by moving an application under Order 39, rule 4 of the Code of Civil Procedure, the petitioners have moved this Court directly. In the event any such application is made, the same shall

be considered and disposed of in accordance with law. Recording the submission of Mr.Dash, learned counsel appearing for the petitioners that appearance already over and not only that there is also filing of written statement, this Court observes in the event the application under Order 39, rule 4 of the Code of Civil Procedure is filed within a period of ten days hence, the trial court is directed to proceed with the matter and dispose of such application within a period of six weeks thereafter but however providing opportunity of hearing to the parties involved.

3. Both the C.M.Ps. stand disposed of with the observation and direction made hereinabove.

(Biswanath Rath)
Judge



Sks