

IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P. No.222 of 2022

Rangadhar Sahoo

....

Petitioner(s)

Mr. A.P. Bose,
Advocate

-versus-

Alekha Chandra Sahoo & Ors.

....

Opposite Parties

Mr. R.P. Mahapatra,
Addl. Govt. Adv.

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
23.03.2022**

Order No.

01. 1. Even though Mr. Bose, learned counsel for Petitioner strenuously argued the matter in justifying the stand of the client involving the impugned order involved herein, but looking to the nature of the suit, permanent injunction involved therein, this Court finds, in disposal of the appeal by the lower appellate court, the lower appellate court while interfering in the order of the trial court involving an application U/o.39 rule 1 & 2 of C.P.C directed the parties to maintain status quo so far as the suit property is concerned, at the same time keeping the urgency involved in view, has also directed to dispose of the suit at least within three months. Keeping in view that there is already a direction for disposal of the suit within three months, this Court finds, no purpose will be served in entertaining such matters, except observing that the trial court shall adhere to the direction of the lower appellate court in timely disposal of the suit. The trial court in the process of disposal of the matter

while adhering to the direction of the lower appellate court, shall also try not to entertain any application for adjournment by either of the parties. Observation, if any, made by either of the Courts in hearing the application U/o.39 rule 1 & 2 shall not have any bearing in the ultimate trial of the suit.

2. The C.M.P. stands disposed of with the above observation.

(Biswanath Rath)
Judge

Ayaskanta Jena

