

IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P. No.229 of 2022

Sudhir Chandra Biswal & Ors.

....

Petitioner(s)

Mr. G.Rout, Advocate

-versus-

Sridhar Biswal & Ors.

....

Opp.Party(s)

CORAM:

JUSTICE BISWANATH RATH

ORDER

04.04.2022

Order No.

2.

1. A clear statement is made by Mr. Rout, learned counsel appearing for the petitioner that even though the petitioners have a claim in the lower appellate court not to claim equity involving the construction going on by the time status quo order passed by the trial court but, however, there is no such claim in the continuity of the original proceeding. In the circumstance, this Court finds such a ground even though available in appeal was not available to be considered. At this stage of the matter, Mr.Rout, learned counsel for the petitioner prays at least for a direction for earlier disposal of the suit looking to the suffering already made to the defendants. It is at this stage of the matter, learned counsel for the defendants submits that there is completion of pleading but, however, there is no framing of issue.

2. Keeping in view the suit is of the year 2020, this Court directs the Civil Judge (Junior Division), Konark to frame the issue in C.S.No.27 of 2020 at least within a period of one month by putting the parties to the suit to come up with their draft issues at least within a period of two weeks from the date of communication of certified copy of this order and make endeavour to conclude the suit at least within a period of nine months thereafter. Contesting defendants are prevented from taking any adjournment in the suit proceeding.

3. The Civil Miscellaneous Petition stands disposed of with the observation and direction made hereinabove.

(Biswanath Rath)
Judge

Sks

