

IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P. No.230 of 2022

Soumendra Sekhar

....

Petitioner(s)

Mr. D. Patra,
Advocate

-versus-

***Maa Charchika Cold Storage Pvt.
Ltd., Cuttack & Ors.***

....

Opposite Party(s)

Mr. G. Mukherjee,
Sr. Adv. being assisted by
Mr. A.Ch. Panda,
Adv.

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
28.03.2022**

Order No.

01. 1. The impugned order has not been filed as yet. It is submitted by Mr. Patra, learned counsel for Petitioner that there is specific plea in paragraph no.7 regarding delay in grant of application and for there is urgency involving the matter, the Petitioner was constrained to file the present C.M.P. It is, at this stage of the matter, Mr. Mukherjee, learned Sr. Advocate appearing on behalf of the Opposite Parties-Plaintiffs on the premises of urgency involving the injunction petition pending before the Court below and likely to be taken up today, submitted that for the technical rejection involved at this point of time, he has no objection for this Court in interfering in such orders and it will be in the best interest of the parties.
2. Keeping in view the larger interest involving both the parties, this Court while appreciating such submission of Mr. Mukherjee, learned Senior Advocate, attempts to dispose of the application and in

the process, while interfering in the order dated 16.03.2022, sets aside the same and directs the defendant no.2 to appear in the proceeding in the court below in the worse tomorrow (29th March, 2022) along with his objection, if any, to the I.A. pending consideration and posted to today. In the process, this Court also directs the trial court to at least postpone the matters vide I.A. No.1/2019 and I.A. No.2/2019 at least to day after tomorrow (30th March, 2022) and take up the matter for argument involving both the applications day after tomorrow (30th March, 2022) and pass order involving such parties. This information be communicated to the trial court through affidavit and today's proceeding be also adjourned to day after tomorrow (30th March, 2022).

3. The C.M.P. stands disposed of with the above direction.

(Biswanath Rath)
Judge

