

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) NO.2451 OF 2006

Mochiala Manga & ors.

....

Petitioners

Mr.N.C.Pati, Adv.

-versus-

Dhanamali Bhue & anr.

....

Opposite Party(s)

Mr.S.J.Pradhan, Adv.

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
26.10.2022**

Order No.

4.
 1. Heard learned counsel for the Parties.
 2. The Writ Petition involves rejection of an Application at the instance of the Defendants under Order 14 Rule 2(2) of C.P.C. asking the trial court for deciding the issue on jurisdiction as a preliminary issue. Trial Court entering into argument has come to hold that since the issue on the same line is already there for trial of the suit, issues together can be decided in the ultimate trial of the suit. Such application having been rejected gave rise to filing of the present Writ Petition.
 3. For the opinion of this Court, the suit was filed in 2002 and the Defendants having anxiety for long continuing with the suit asked for deciding such question as a preliminary issue. This Court

finds, in the meantime, there has been substantial loss of time nearly two decades. In the event the Petitioners would not have challenged this order may be the suit would have been over. However, reading the observation of the trial court in dismissing the Application under Order 14 rule 2(2) of C.P.C., this Court finds, the trial court has kept open such issue to be decided along with such other issues.

4. Considering the loss of time in the meantime, this Court instead of entering into such subject leaves it open to the Parties to get trial of the suit also involving such issue. Trial of the suit pending since 2002 be concluded within a period of six months from the date of communication of this order.

5. With the above observation, the Writ Petition stands disposed of.

M.K.Rout

(Biswanath Rath)
Judge