

IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P. No.455 of 2017

Sasmita Das@ Rout & Anr.

....

Petitioner

Mr. B.B. Mishra-2,
Advocate

-versus-

Sanjukta Parida

....

Opposite Party

Mr. M.K. Mishra,
Sr. Adv.

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
10.03.2022**

Order No.

09.

1. Undisputedly this C.M.P. involves an order of refusal of injunction by the trial court and thereafter confirmation of such order of the trial court by the lower appellate Court.
2. This Court entertaining the C.M.P. involving a challenge to the orders of the Courts below, while directing for issuance of notice in disposal of the interim application vide Misc. Case No.522 of 2017 gave interim protection by way of an order of status quo as on date in respect of the Khata No.729/52 corresponding to Plot No.2156, Mouza-Raghunathpur, District-Khurda. This order is operating as on date. This Court is of the view that for an interim

order of status quo continuing in respect of the disputed property nearly over five years, in worse while maintaining such order, the Court ought to direct for early disposal of the suit. Incidentally there is no allegation of violation or any inconvenience involving status quo order for over five years. This Court also records here the allegation of Mr. Mishra, learned Sr. Advocate appearing on behalf of the Opposite Party that after obtaining an interim order there has been clandestine attempt to keep the opposite parties away from appearing in the case at hand and not only that there has also been institution of some other suits and there is also operation of order of status quo in respect of the property involved in other suit. This Court finds, in such event there cannot be any inconvenience to either party, if order of status quo is allowed to continue till at least disposal of suit involved.

3. Considering the submissions made by the parties and simply recording the allegation of Mr. Mishra, learned Sr. Advocate appearing on behalf of the Opposite Party, this Court without entering into any such controversies at this stage and while maintaining the order of status quo till disposal of the suit, directs the trial court to conclude the suit vide C.S. No.794 of 2008 within a period of nine months from the date of communication of this order. It is at this stage, taking into consideration the submission of learned counsel for Petitioner that there is pendency of the substitution petition and application for amendment, this Court directs the trial court to dispose of the substitutions petition and any other I.As., if any, pending within a period of fifteen days from the date of communication of a copy of this order and if necessary, by applying paper publication and/or Special Messenger notice at the cost of the

Petitioner. Further looking to the allegation and anticipation of the Senior Advocate for the Opposite Party that in spite of several such orders, the trial court are not showing interest in time bound disposal of the matter, this Court here records the undertaking of the Petitioners through their counsel that they will neither file any further I.A. during trial of the suit nor also challenge any interlocutory order to be passed in the meantime in higher forum. Both the parties are directed to appear before the trial court and bring the order of this Court to the notice of the trial Court on 21st March, 2022.

4. With this observation and direction the C.M.P. stands disposed of.

(Biswanath Rath)
Judge

Ayaskanta Jena

