

IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P. No.265 of 2022

Rajanlal Srivastav

....

Petitioner(s)

Mr. P.K. Satapathy,
Advocate

-versus-

Jigar Patel

....

Opposite Party(s)

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
08.04.2022**

Order No.

01. 1. Petitioner is a decree holder and the Opposite Party in the pending civil revision involving an order rejecting an application U/o.9 Rule 13 of C.P.C. at the instance of the judgment debtor. Petitioner alleges that even though there is no stay of the execution proceeding, but however in the guise of pendency of the Civil Revision No.3 of 2017, the execution proceeding is not being undertaken. It is also alleged that even though the Civil Revision of this nature was filed in the year 2017, there is no disposal of small matters by the Court concerned and ultimately the decree holder is suffering for non-conclusion of the execution proceeding as yet. This Court finds difficulty in proceeding with the execution case for the pendency of outcome involving Order 9 Rule 13 of C.P.C.
2. Considering the suffering of the Opposite Party in the Civil Revision i.e. the Petitioner herein for no progress in the execution proceeding, this Court finds, in the interest of justice the Civil

Revision No.3 of 2017 requires to be disposed of within a short time. In the process this Court directs the learned 2nd Addl. District Judge, Rourkela to dispose of the Civil Revision No.3 of 2017, if not on the next date, at least within a period of three weeks thereafter. None of the parties will be granted adjournment in the Court below.

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

(Biswanath Rath)
Judge

Ayaskanta Jena

