

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) Nos.19230 & 19229 of 2012

***Sibendra Kumar Mitra and
another***

....

Petitioners

Mr. B.N. Bhuyan, Advocate

-versus-

Urmila Swain

....

Opp. Party

Mr. D.K. Mohanty, Advocate

**CORAM:
THE CHIEF JUSTICE
JUSTICE R.K.PATTANAİK**

**ORDER
29.06.2022**

Order No.

- 05.
1. W.P.(C) No.19230 of 2012 been filed aggrieved by the fact that the execution petition filed by the present Petitioners seeking enforcement of the order dated 23rd September, 2011 passed by this Court in W.P.(C) No.21155 of 2011 has been stayed by the order dated 22nd July, 2011 of the Civil Judge, Senior Division, 1st Court, Cuttack in C.M. Application No.73 of 2010.
 2. W.P.(C) No.19229 of 2012 has been filed by the same Petitioners challenging a subsequent order dated 21st August, 2012 passed by the Civil Judge, Senior Division staying further proceeding in execution till the disposal of C.S. No.154 of 2010. Liberty was granted to the Petitioners to file a separate execution case for implementation of order passed in CMA No.346 of 2011 by the said court.
 3. It is pointed out by Mr. D.K. Mohanty, learned counsel for Opposite Party that during the pendency of these two writ

petitions C.S. No.54 of 2010 as well as the counter claim filed by the Petitioners in the said case have been dismissed and against the dismissal of the suit and counter claim respectively, the Opposite Party and the Petitioner have filed appeals which are pending before the learned District Judge, Cuttack.

4. In the said appeals, an interim order has again been passed staying the further proceeding in original execution case. That order of the district court is not under challenge in these proceedings.

5. In view of the above subsequent developments, after filing of the present writ petitions, both the writ petitions have been rendered infructuous. This will not prevent the Petitioners from proceeding in accordance with law as far as the orders passed in the pending appeal before the District Judge are concerned.

6. Both the writ petitions are accordingly disposed of.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge