

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 652 of 2018

***Ansara Begum @ Pattanayak and
another*** ***Petitioners***

Mr. Byomakesh Sahoo, Advocate

-versus-

***Pradeep Kumar Pattanayak and
another*** ***Opp. Parties***

None

**CORAM:
JUSTICE K.R. MOHAPATRA**

Order No.

**ORDER
29.09.2022**

17. 1. This matter is taken up through hybrid mode.
2. Petitioners in this CMP seek to assail the order dated 5th April, 2018 (Annexure-1) passed by learned Senior Civil Judge, Bhubaneswar in CMA No.188 of 2016 (arising out of Intest Case No.18 of 2013), whereby he allowed an application filed by the Defendants/Opposite Parties under Order IX rule 13 CPC.
3. On perusal of order sheet dated 4th May, 2018, it appears that notice was issued only on the question of imposition of cost.
4. Mr. Sahoo, learned counsel for Plaintiffs/Petitioners submits that interest of justice will be best served if the Intest Case No.18 of 2013 is disposed of an early date. He further submits that cost imposed on the Defendants/Opposite Parties is inadequate.
5. In that view of the matter, this Court, without interfering with the merit of the impugned order, directs that

Defendants/Opposite Parties shall pay a cost of Rs.3,000/- (rupees three thousand only) to the Plaintiffs/Petitioners instead of Rs.1,000/- as directed by trial Court.

6. Since the Intest Case is of the year 2013 all endeavour shall be made for early disposal of the same. Parties are directed to cooperate with trial Court for early disposal of the Intest Case.

7. With the aforesaid modification in the impugned order with regard to imposition of cost, the CMP is disposed of.

Issue urgent certified copy of the order on proper application.

