

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP NO. 1445 OF 2017

Chirravuri Saravayya Pantulu

....

Petitioner

Mr. B. Sahoo, Advocate

-versus-

Harihara Nahaka and others

....

Opp. Parties

Mr. V. Mohapatra, Advocate

(For Opp. Party No.4)

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

23.09.2022

Order No.

11. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this CMP seeks for a direction to the learned Civil Judge (Junior Division), Berhampur to dispose of C.S. No. 512 of 2012 filed by him in terms of compromise made between him and Opposite Party No.4.
3. Mr. Sahoo, learned counsel for the Petitioner submits that C.S. No.512 of 2012 has been filed by the Petitioner for declaration of right, title and interest on the basis of a sale deed executed in his favour by Bharati Sahu-Opposite Party No.3 vide Registered Sale Deed No.1355/1975. The Opposite Party No.4 had also filed C.S. No. 8 of 2009 (which was subsequently renumbered as C.S. No.357 of 2012 being transferred to the court of learned Civil Judge (Junior Division), Berhampur) for declaration of right, title and interest as well as for permanent injunction. After being impleaded as parties to C.S. No. 512 of 2012, the Opposite Party No.4 moved this Court in CMP No. 405 of 2015, which was disposed of vide order dated 8th April, 2015 directing for analogous hearing of C.S. No. 8 of 2009 (which was

subsequently renumbered as C.S. No.357 of 2012) with C.S. No. 512 of 2012. Subsequently, said Opposite Party No. 4 again moved this Court in CMP No. 1166 of 2015, which was disposed of vide order dated 23rd September, 2015 with a direction to dispose of the application for compromise filed in C.S. No. 512 of 2012. Accordingly, the matter was taken up by learned trial Court and vide order dated 29th April, 2017, the said petition was rejected on the ground that this Court has directed for analogous hearing of C.S. No.8 of 2009 (which was subsequently renumbered as C.S. No.357 of 2012) with C.S. No. 512 of 2012. Both the suits are ready for hearing and there is no legal impediment for early disposal of both the suits. He, therefore, submits that interest of justice will be best served, if both the suits are heard analogously and disposed of at an early date.

4. Mr. Mohapatra, learned counsel for the Opposite Party No.4 does not have any objection to the same. He, however, submits that both the suits may be disposed of, if there is no legal impediment for expeditious disposal.

5. Taking into consideration the submissions made by learned counsel for the parties, this Court without delving into the merits of the case disposes of the CMP with a direction that on production of certified copy of this order, learned trial Court shall do well to make an endeavour for analogous hearing of C.S. No. 357 of 2012 with C.S. No. 512 of 2012 and to dispose of both the suits as expeditiously as possible preferably by the end of April, 2023 giving opportunity of hearing to the parties concerned, if there is no legal impediment. Parties are directed to

co-operate with learned trial Court for early disposal of both the suits.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

bks

