

IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P. No.480 of 2019

Anupama Padhy

....

Petitioner(s)

Mr. S.K. Singh,
Advocate

-versus-

Nirmal Chandra Sahu

....

Opposite Party(s)

Mr. P.K. Rath,
Advocate

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
19.04.2022**

Order No.

04.

1. During course of submission both the parties have no dispute that both the suits involved herein one being numbered as C.S. No.134 of 2015 and the other being numbered as C.S. No.61 of 2018, are aiming permanent injunction. There is no clash between the parties that there is likelihood of common evidence even for the involvement of some cause of action, but however, there is involvement of several other parties also in one of the suit.

2. Considering the submissions of respective parties, this Court finds, in the interest of justice and for the commonness in between both the suits, it would be better, if both the suits are tried one after another and there may be requirement of common evidence, such aspect is left to the discretion of the parties. This Court finds, the suit No.134 of 2015 is pending before the Civil Judge (Jr. Divn.), Berhampur whereas the C.S. No.61 of 2018 is pending before the Civil Judge (Sr. Divn.), Berhampur. To confer the jurisdiction of both the suits in one Court

this Court directs, the C.S. No.134 of 2015 be transferred to the Civil Judge (Sr. Divn.), Berhampur and as a consequence of receipt of the records in C.S. No.134 of 2015, the Civil Judge (Sr. Divn.), Berhampur shall hear both the suits one after another and make an attempt to conclude the proceeding preferably within a period of nine months.

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

(Biswanath Rath)
Judge

Ayaskanta Jena

