

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**C.M.P. No.324 of 2022**

***Shartha Kumar A.N.***

....

***Petitioner(s)***

Mr. D.R. Sundaray,  
Advocate

*-versus-*

***M/s. S.K. Traders & Anr.***

....

***Opposite Party(s)***

**CORAM:**

**JUSTICE BISWANATH RATH**

**ORDER**

**29.04.2022**

**Order No.**

01. 1. This Court finds, the Petitioner is prejudiced for further proceeding in the Execution Case No.3 of 2020. It appears, there is attempt by the Petitioner-the judgment debtor for blocking the execution proceeding at least till a decision is taken in his application U/o.9 Rule 13 of the C.P.C. It is urged that unless the execution proceeding is stayed, the fate of the Petitioner in Order 9 Rule 13 is likely to be jeopardized.
2. Considering a serious contingency faced by the Petitioner, even though this Court finds no infirmity in the impugned order as the Executing Courts are under constraint of Hon'ble apex Court's direction required to be disposed of the execution proceeding within certain time frame, but however for the Petitioner having scope of revival of the suit, in the event he succeeds in his Order 9 Rule 13 attempt, this Court while staying the execution proceeding for a period of eight weeks, directs the learned Civil Judge (Sr. Divn.), Bolangir to dispose of the I.A. No.19 of 2020 at least within a period of four weeks

from the date of communication of a copy of this order. This is, however, considering that the decree holder is prevented from the enjoyment of decree, this Court directs the Petitioner-judgment debtor to deposit at least a sum of Rs.2,00,000/- (rupees two lakh) only before the Executing Court within a period of one week hence. In the event the Petitioner deposits the aforesaid amount within time, the same shall be kept in a fixed deposit scheme in any Nationalized Bank for the benefit of the parties, at least finality of the lis.

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

*(Biswanath Rath)*  
*Judge*



*Ayaskanta Jena*