

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP NO. 10 OF 2017

Achyutananda Sahoo

.....

Petitioner

Mr. S.S.K. Nayak, Advocate

-versus-

Satyanarayan Sahoo and another

....

Opp. Parties

Mr. Prafulla Kumar Lenka, Advocate

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

25.07.2022

Order No.

- 8.
1. This matter is taken up through hybrid mode.
 2. The Petitioner in this CMP seeks to assail the order dated 16th November, 2016 passed by learned Additional District Judge, Keonjhar in FAO No.05/25 of 2016/2015, whereby order dated 25th July, 2015 passed by learned Civil Judge (Senior Division), Anandpur in I.A. No.24 of 2015 (arising out of C.S. No. 75 of 2015) directing the parties to maintain status over the suit property was set aside.
 3. In course of hearing, Mr. Nayak, learned counsel for the Petitioner submits that this Court vide order dated 20th February, 2017 while issuing notice in the matter directed that as an interim measure, status quo in respect of Plot No. 2541 under Khata No.76 to the extent of Ac.0.14 decimals situated in mouza Padmapur in the district of Keonjhar shall be maintained by the parties till the next date. He further submits that in spite of the interim order passed by this Court on 20th February, 2017, the Opposite Parties have completed the construction in the meantime. Hence, interest of justice will be best served, if a direction is issued for early disposal of the suit. He, however,

submits that an application for substitution is also pending for consideration, which may be directed to be disposed of at an early date.

4. Mr. Lenka, learned counsel for the Opposite Party No.1 submits that he has no objection, if the suit is disposed of at an early date as the Petitioner is enjoying the interim order since more than last five years. Hence, the Opposite Party No.1 may be permitted to complete the construction.

5. Taking into consideration the rival contentions of the parties, this Court feels that interest of justice will be best served, if a direction is made for early disposal of C.S. No. 75 of 2015. Accordingly, this CMP is disposed of with a direction that after the suit becomes ready for hearing, parties shall cooperate with the learned trial court for early disposal of the suit. Learned trial court may also take coercive action against the party who does not cooperate with the learned trial court either for early disposal of the interim application (substitution) or for the suit.

6. The interim order dated 20th February, 2017 passed in Misc. Case No.10 of 2017 stands vacated.

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

(K.R. Mohapatra)
Judge

bks