

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

**C.M.P. No.377 of 2022**

***Susama Mohanty & Ors.***

....

***Petitioner(s)***

Mr. B. Baug,  
Advocate

*-versus-*

***Jharana Mohanty***

....

***Opposite Party(s)***

**CORAM:**

**JUSTICE BISWANATH RATH**

**ORDER**

**05.05.2022**

**Order No.**

01.

1. It is submitted by Mr. Baug, learned counsel for the Petitioners that the Petitioner No.1 being an 83 years old lady is suffering on account of an order passed in exercise of power U/o.39 Rule 3(A) of C.P.C. undisputedly an *ex parte* one and in the pendency of application U/o.39 Rule 1 & 2 of C.P.C.

2. Mr. Baug, learned counsel for the Petitioners claimed that on appearance of such party there is already filing of objection and as the Petitioner No.1 is already at fag end of her life, the application U/o.39 Rule 1 & 2 of C.P.C should be disposed of without any further delay. During course of hearing it is brought to the notice of this Court that the I.A. No.1 of 2022 arising out of C.S. No.456 of 2022 is already posted for hearing to 11.05.2022.

3. Keeping in view the submission of Mr. Baug, learned counsel for the Petitioner that the I.A. is already posted to 11.05.2022 and that there is already filing of counter, this Court directs the Addl. Civil

Judge (Sr. Divn.) L.R. Court, Bhubaneswar to hear the application vide I.A. No.1 of 2022 on the date fixed for hearing of the case and dispose of the same within a period of seven days thereafter. It is made clear that there shall be no adjournment to either of the parties.

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

***(Biswanath Rath)***  
***Judge***

*Ayaskanta Jena*

