

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP NO.401 OF 2022

Bipin Bihari Das

....

Petitioner

Mr.B.Bhuyan, Adv.

-versus-

Kalpana Das & anr.

....

Opposite Party(s)

CORAM:

JUSTICE BISWANATH RATH

ORDER

18.5.2022

Order

No.

2.

1. Heard learned counsel for the Petitioner.
2. Considering the submission of the learned counsel for the Petitioner, this Court finds, there is no strength in his submission. For the observation of the trial court involving the impugned order, this Court also finds, there is no scope for interfering in such order. However, considering that there is delay in disposal of the partition suit involved herein solely on the ground of non-appearance of Defendant No.4, who is again found to be the son of Plaintiff No.1, this Court observes, in the event notice on Defendant No.4 is yet to be completed, the trial court may do well in directing the Plaintiffs to serve notice either by Special Messenger or by Paper Publication on the next date of listing so as to enable it to proceed in finality of the partition suit.
3. With the above observation, the CMP stands disposed of.

(Biswanath Rath)
Judge

M.K.Rout