

IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P. No.407 of 2022

Sitanath Mishra

.... Petitioner(s)

**Mr. A.K. Pattajoshi,
Advocate**

-versus-

Krushna Chandra Biswal

.... Opposite Party(s)

CORAM:

JUSTICE BISWANATH RATH

ORDER

17.05.2022

Order No.

01.

1. Through the order-sheet relating to C.S. No.173 of 2019, it appears, the exercise for consideration of the application U/o.7 Rule 11 of C.P.C. at the instance of the defendant is dragged on since 3.03.2021. This Court perused the order-sheet of the Civil Judge (Sr. Divn.), Bhawanipatna right from order No.33 up till order No.82. On perusal of this order-sheet this Court though finds, though there are some dates when both side counsel did not appear for the resolution of the Bar Association, however also finds, there has been innumerable adjournments on mere consideration of the application of the plaintiff. The Civil Judge (Sr. Divn.), Bhawanipatna even did not feel it appropriate to give reasons while granting so many adjournments and the order-sheet simply discloses the order “heard and the application is allowed”. This Court finds, there has been too much compassion shown by the Civil Judge (Sr. Divn.), Bhawanipatna to the plaintiff while considering the application of the plaintiff resulting there has been not less than 30 adjournments at

the instance of the plaintiff. In such view of the matter, while deprecating such attitude of the Civil Judge (Sr. Divn.), Bhawanipatna, this Court directs the Civil Judge (Sr. Divn.), Bhawanipatna for hearing of the application U/o.7 Rule 11 of C.P.C on the next date of posting itself and taking a lawful decision thereon at least within a period of two weeks from the date of service of a copy of this order. Petitioner is directed to bring a copy of this order to the notice of the concerned Judge to work-out the direction hereinabove.

2. Registry is directed to send copy of this order to the concerned District Judge to issue proper instructions to the Judges working under it in the matter of adjournments.

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

(Biswanath Rath)
Judge

