

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.416 OF 2022

A.Appa Rao

Petitioner

Mr. Bishal Baivab Behera, Advocate

-versus-

Kamala Kanta Pandey and others

.... Opp. Parties

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
28.06.2022

Order No.

3. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this CMP seeks for a direction for early disposal of R.F.A. No.10 of 2017 pending before learned Additional District Judge, Kandhamal (Phulbani).
3. Mr. Behera, learned counsel for the Petitioner submits that though vide order dated 10th December, 2018, argument in the first appeal has already been closed, but the judgment could not be delivered in the matter. In the meantime, learned Presiding Officer has been transferred for which the matter is being adjourned to different dates. It is his submission that due to pendency of the first appeal, the Petitioner is seriously prejudiced. Hence, he prays for a direction for early disposal of the first appeal.
4. Taking into consideration the submission made by learned counsel for the Petitioner, this Court vide order dated 21st June, 2022 adjourned the matter to verify as to whether the Presiding Officer, namely, Additional District Judge, Kandhamal (Phulbani) has been posted in the meantime. Mr. Mishra, learned Additional Standing Counsel on instruction

submits that the Presiding Officer, namely, Additional District Judge, Kandhamal (Phulbani) has been posted vide notification dated 22nd June, 2022 of this Court. Mr. Mishra, learned Additional Standing Counsel, however, submits that the matter is being delayed for non-cooperation of the Appellant-Opposite Party No.1.

5. In that view of the matter, this Court disposes of this CMP with a direction that learned Additional District Judge, Kandhamal (Phulbani) shall do well to consider and dispose of R.F.A. No.10 of 2017 as expeditiously as possible preferably within a period of two months from the date of his joining in the post in accordance with law giving opportunity of hearing to the parties concerned. Parties to the appeal are directed to co-operate for early disposal of R.F.A. No. 10 of 2017, failing which learned Additional District Judge, Kandhamal (Phulbani) is at liberty to take coercive measure in accordance with law.

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

(K.R. Mohapatra)
Judge