

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No. 454 OF 2022

Rusi Behera

Petitioner

Ms. Seema Pattjoshi, Advocate

-versus-

Kumudini Barik and others

.... ***Opp. Parties***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER

05.07.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. This CMP has been filed for a direction to the learned Civil Judge (Senior Division) (TR & LTV), Bhawanipatna for early disposal of C.S. No.84 of 2015.
3. Ms. Pattjoshi, learned counsel for the Petitioner submits that Defendant No.13 in the suit is the Petitioner in this CMP. Although the written statement has been filed and issues have been settled, but due to non-cooperation of the Plaintiffs and other Defendants, more particularly, Defendant Nos.2 and 3, the matter is being delayed. It is submitted that during pendency of the suit, some of the Defendants died and the Plaintiffs took several adjournments to file petition for substitution. Although, in the meantime, Defendant Nos.2 and 3 received the petition for substitution, they have not yet filed their objection for which the matter is lingering. In view of pendency of the civil suit, the Petitioner-Defendant No.13 is highly prejudiced. Learned Trial Court should take coercive measure against the non-cooperative parties for early disposal

of the suit. She, therefore, prays for a direction for the aforesaid relief.

4. Taking into consideration the submission made by learned counsel for the Petitioner and the order sheet annexed to the CMP as Annexure-1, this Court finds that the suit is not ready for hearing. Hence, no direction for early disposal of the suit can be issued at this stage.

5. However, it is directed that learned Civil Judge (Senior Division) (TR & LTV), Bhawanipatna shall do well to take appropriate steps to see that the suit is disposed of at an early date. If any of the parties to the suit does not cooperate for early disposal of the interim application/suit, as the case may be, learned trial Court is at liberty to take coercive measure against him/them in accordance with law.

6. With the aforesaid observation, this CMP is disposed of. Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge