

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 467 of 2022

Rupa Sethi

..... Petitioner

Mr. Dolagobinda Mohapatra, Advocate

-versus-

Bapi Das and another

.... Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

20.06.2022

Order No.

1. This matter is taken up through Hybrid mode.
2. Petitioner in this CMP seeks for a direction to learned Civil Judge (Junior Division), Jagatsinghpur for early disposal of IA No.46 of 2022 (arising out of CS No.87 of 2022) filed under Order XXXIX Rules 1 and 2, CPC.
3. Mr. Mohapatra, learned counsel for the Petitioner submits that CS No.87 of 2022 has been filed for permanent injunction. Along with the plaint, the Petitioner has also filed IA No.46 of 2022 under Order XXXIX Rules 1 and 2, CPC. Although the Petitioner had sought for an order of ad-interim injunction the same was rejected. In the meantime, the Opposite Parties have already entered appearance in the Interim Application. But due to their non-cooperation, the matter is being delayed and taking advantage of the same, Opposite Parties are damaging the boundary wall of the Petitioner for which this CMP has been filed for the aforesaid relief.

4. Taking into consideration the innocuous nature of prayer made in this CMP and that the Opposite Parties have already entered appearance in the IA, this Court, without expressing any opinion on the merits of case of the Petitioner, disposes of the CMP with a direction that on production of certified copy of this order, learned Civil Judge (Senior Division), Jagatsinghpur shall take up the IA on the date fixed, i.e., on 8th July, 2022 for final disposal. If the said IA No.46 of 2022 could not be disposed of on that date, learned Civil Judge (Junior Division), Jagatsinghpur shall make an endeavour for early disposal of IA No.46 of 2022, as expeditiously as possible, preferably within a period of seven days thereafter giving opportunity of hearing to the parties concerned.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge