

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No. 492 OF 2022

***Sri Sudhir Kumar Padhi@ Sudhir
Padhi***

Petitioner

Mr. Bijaya Kumar Behera,
Advocate

-versus-

Sri Biswanath Padhi and others

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

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
21.06.2022

Order No.

2.
 1. This matter is taken up through hybrid mode.
 2. The Petitioner in this CMP seeks to assail the order dated 29th April, 2022 passed in I.A. No.130 of 2022 (arising out of C.S. No.195 of 2022), whereby learned Civil Judge (Senior Division), Bhadrak without giving any opportunity of hearing to the Petitioner passed an order of status quo.
 3. Mr. Behera, learned counsel for the Petitioner submits that the Petitioner is the defendant in C.S. No.195 of 2022. Upon receipt of notice in I.A. No.130 of 2022 filed by the plaintiff under Order XXXIX Rules 1 and 2 C.P.C., he entered appearance on the date fixed i.e. on 29th April, 2022 and filed his objection (Annexure-6) on the same date serving copy thereof on learned counsel for the Plaintiff. However, learned Civil Judge (Senior Division), Bhadrak without considering the appearance as well as the objection of the Petitioner and without giving him an opportunity of hearing, directed the parties to maintain status quo over the suit land till the next

date. Only after passing the impugned order, learned Civil Judge (Senior Division), Bhadrak recorded the appearance of the Petitioner, which is apparent from the order sheet of I.A. No.130 of 2022 under Annexure-3. Thereafter, the matter is being adjourned to different dates without considering the prayer of the Petitioner to adjudicate the I.A. No.130 of 2022 finally.

4. It is submitted by Mr. Behera, learned counsel for the Petitioner that due to the order of status quo, the Petitioner is not in a position to repair his house, which has almost collapsed. He along with his family members are spending a miserable life in rainy season. Hence, he prays for setting aside the impugned order and to direct learned Civil Judge (Senior Division), Bhadrak to adjudicate I.A. No.130 of 2022 at an early date.

5. Upon hearing, Mr. Behera, learned counsel for the Petitioner and on perusal of the record, it appears that on 29th April, 2022, learned Civil Judge (Senior Division), Bhadrak after passing the impugned order of status quo, recorded the appearance of the Petitioner on the same date.

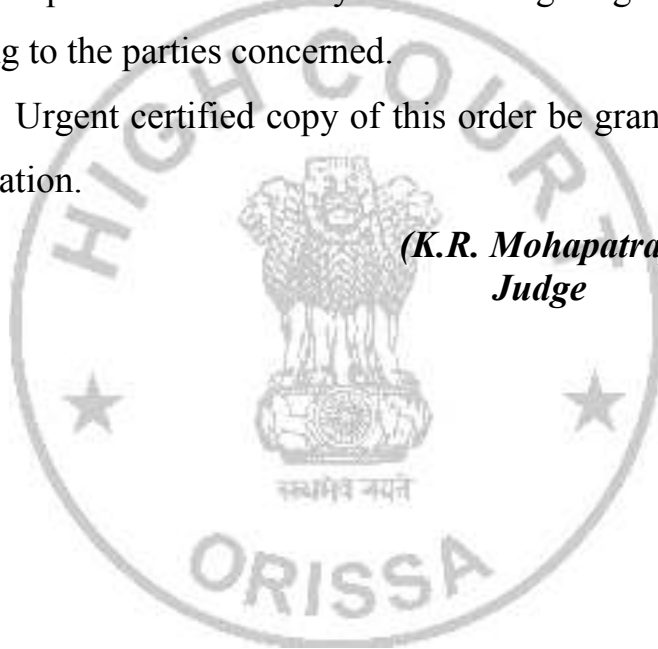
6. Be that as it may, when the Petitioner has already entered appearance and filed his objection to the I.A. No.130 of 2022, learned Civil Judge (Senior Division), Bhadrak should make an endeavour for early disposal of the said I.A. keeping in mind that the petition is filed under Order XXXIX Rules 1 and 2 C.P.C.

7. Since it is submitted by Mr. Behera, learned counsel for the Petitioner that there is no legal impediment for finale adjudication of I.A. No.130 of 2022, this Court without

expressing any opinion on the merit of the case of the Petitioner in the I.A., disposes of this CMP with a direction that on production of certified copy of this order within a period of seven days hence, as undertaken, learned Civil Judge (Senior Division), Bhadrak shall do well to make an endeavour for final disposal of I.A. No.130 of 2022 in accordance with law on the date fixed i.e. on 5th July, 2022. If, for any reason, the I.A. could not be disposed of on the date fixed, learned Civil Judge (Senior Division), Bhadrak shall do well to dispose of the same within a period of seven days thereafter giving opportunity of hearing to the parties concerned.

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

(K.R. Mohapatra)
Judge



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