

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 498 of 2022

Ashalata Nayak

..... Petitioner

Mr. Sudhansu Sekhar Jena, Advocate

-versus-

Bhagaban Mohapatra and others

.... Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

29.09.2022

Order No.

3. 1. This matter is taken up through hybrid mode.
2. 2. Consequent upon disposal of CMAPL vide order of the even date, the CMP is restored to its original number and taken up for disposal.
3. 3. Petitioner in this CMP seeks to assail the order dated 27th June, 2022 (Annexure-1) passed by learned Senior Civil Judge, Bhubaneswar in IA No.1 of 2022 (arising out of CS No.947 of 2022), whereby learned trial Court rejected an application under Order XXXIX Rule 3 CPC and refused to grant ex-parte ad-interim order of injunction.
4. 4. On perusal of impugned order, it appears that it was passed on 4th May, 2022. In the meantime, more than five months have already elapsed. It is submitted by Mr. Jena, learned counsel for the Petitioner that some of the Opposite Parties have already appeared long since. However, he does not have any information whether all the Opposite Parties have entered appearance in the IA or not.

5. Since more than five months have already lapsed in the meantime, the purpose for moving the application under Order XXXIX Rule 3 CPC no more exists.

6. In that view of the matter, the CMP is disposed of with an observation that if the Petitioner is so advised, may work out his remedy in accordance with law before learned trial Court.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge



s.s.satapathy