

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP NO. 502 OF 2022

Bhubaneswar Naik *Petitioner*
Mr. Byomokesh Sahoo,
Advocate
-versus-
Shrimati Patel & another *Opp. Parties*

CORAM
JUSTICE K.R. MOHAPATRA

ORDER
07.06.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this CMP prays for a direction to the learned Senior Civil Judge, Sundargarh for early disposal of I.A. No. 31 of 21 (arising out of C.S. No. 79 of 21) filed under Order XXXIX Rules 1 and 2 C.P.C.
3. Mr. Sahoo, learned counsel for the Petitioner submits that although the Opposite Parties, who are Defendants in C.S. No. 79 of 2021, have already appeared in I.A. No.31 of 2021 and filed their objection since 8th September, 2021, the interim application is not being taken up for some reason or other. Taking advantage of pendency of the interim application, the Opposite Parties are proceeding with the construction. The Petitioner although has a fair chance of success in the interim application but due to pendency of the same, he is highly prejudiced. Hence, finding no other alternative, the Petitioner has filed this CMP for the relief, as aforesaid. He further submits that I.A. No. 31 of 2021 is at present posted to 6th July,

2022 for hearing. In that view of the matter, the Petitioner will be highly prejudiced, if the I.A. is not taken up early.

4. Taking into consideration the innocuous nature of the prayer made by learned counsel for the Petitioner and that the Court should always make an endeavour for early disposal of the petition under Order XXXIX Rules 1 and 2 C.P.C., this Court without expressing any opinion of the merits of the interim application disposes of this CMP with a direction that on production of certified copy of this order, the learned Senior Civil Judge, Sundergarh shall do well to post the matter to 23rd June, 2022 by intimating learned counsel for the Defendants-Opposite Parties. He shall also make an endeavour to dispose of the I.A. No. 31 of 2021 by 30th June, 2022 and in any event, not later than 8th July, 2022, if the I.A. is otherwise ready for hearing and there is no legal impediment for its disposal.

5. In view of disposal of the CMP, no further order is required to be passed in I.A. No.570 of 2022.

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

(K.R. Mohapatra)
Vacation Judge

bks