

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.523 of 2022

Biranchi Biswal

.....

Petitioner

Mr. Lalit Mohan Nanda, Advocate

-versus-

Mukuta Barik and another

....

Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

08.07.2022

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), Khordha for early disposal of Execution Case No.36 of 2017 (arising out of CS No.54 of 2014).
3. Mr. Nanda, learned counsel for the Petitioner submits that the Petitioner being the decree holder has filed the map and already deposited Rs.1,500/- towards fee of the Pleader Commissioner on 8th April, 2019 for delivery of possession, but the JDrs-Opposite Parties are taking repeated adjournments for which the decree could not be executed as yet. Hence, finding no other alternative, he has filed the CMP for the aforesaid relief.
4. Upon hearing learned counsel for the Petitioner and on perusal of record, this Court is not in a position to ascertain as to at what stage the execution proceeding is? It is also not clear whether there is any legal impediment in proceeding with the execution case. In that view of the matter, the relief sought for in this CMP cannot be entertained at this stage.

5. Accordingly, the CMP stands dismissed.

5.1 The Petitioner, however, if so advised, may move learned executing Court for disposal of the execution proceeding.

(K.R. Mohapatra)
Judge



s.s.satapathy