

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.538 OF 2022

Bharat Kishore Panda

Petitioner

Mr. Ashok Das, Advocate

-versus-

Arata Kishore Panda and others

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

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
07.07.2022

Order No.

- 01.
1. This matter is taken up through hybrid mode.
 2. The Petitioner in this CMP seeks for a direction to learned Civil Judge (Senior Division), Jajpur for early disposal of Civil Suit No.677 of 2019 (Annexure-1).
 3. Mr. Das, learned counsel for the Petitioner submits that Defendant No.1 in the suit is the Petitioner in this CMP. After the order of *status quo* was passed in favour of the Plaintiffs- Opposite Party Nos.1 and 2, they are taking adjournment on some plea or other. Written statement has already been filed by the Defendant No.1-Petitioner in the suit. Learned trial Court without considering the fact that an interim order is operating against the Defendant No.1-Petitioner, is liberally granting adjournments in the matter. As such, the Defendant No.1-Petitioner is seriously prejudiced. Hence, he prays for the aforesaid relief.
 4. Upon hearing learned counsel for the Petitioner and on perusal of the record, this Court is not in a position to assess

the veracity of the statement made by learned counsel for the Petitioner as the order sheet of the suit has not been annexed to the CMP. Only because, the interim order is operating against the Defendant No.1-Petitioner, that cannot be a ground to direct for early disposal of the suit. In that view of the matter, I am not inclined to entertain the prayer made by learned counsel for the Petitioner at this stage.

5. However, the Defendant No.1-Petitioner, if so advised, may move learned trial Court to take coercive action against the defaulting parties. It is further observed that the Defendant No.1-Petitioner is at liberty to move learned trial Court for early disposal of the suit when it becomes ready for hearing. Parties are directed to cooperate with learned trial Court for early disposal of the suit.

With the aforesaid observation, this CMP is disposed of.

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

(K.R. Mohapatra)
Judge