

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.546 OF 2022

Krushna Chandra Sahani ***Petitioner***
Mr. Samir Kumar Mishra, Advocate

-versus-

Ahalya Patra and others ***.... Opp. Parties***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
14.07.2022

Order No.

2.
 1. This matter is taken up through hybrid mode.
 2. The Petitioner in this CMP seeks for a direction for early disposal of RFA No.41 of 2013 pending before learned 3rd Additional District Judge, Berhampur.
 3. Mr. Mishra, learned counsel for the Petitioner submits that although the matter is ready for hearing, due to non-cooperation of learned counsel for the Appellants, the matter is being adjourned to different dates. As such, the Petitioner being the Respondent is seriously prejudiced.
 4. On the last occasion, i.e. on 28th June, 2022, this Court adjourned the matter on the prayer of learned counsel for the Petitioner to take instruction as to whether the Court of learned 3rd Additional District Judge, Berhampur is functioning or not. On instruction, Mr. Mishra, learned counsel for the Petitioner submits that the Court of learned 3rd Additional District Judge, Berhampur is functioning and learned Presiding Officer is taking up cases. It is

his submission that the appeal is otherwise ready and there is no legal impediment for early disposal of the same.

5. In view of the above, this Court without expressing any opinion the merits in the appeal, disposes of the CMP with a direction that learned 3rd Additional District Judge, Berhampur shall do well to consider and dispose of RFA No.41 of 2013 in accordance with law as expeditiously as possible preferably within a period of four months from the date of production of certified copy of this order giving opportunity of hearing to the parties concerned.

6. Since the appeal is of the year 2013, this Court makes it clear that learned appellate Court may take coercive measure in accordance with law, if there is non-cooperation of any of the parties for early disposal of the appeal. In the event, the Court of 3rd Additional District Judge, Berhampur is not functioning, the Petitioner is at liberty to move the learned District Judge for transfer of the appeal (RFA No.41 of 2013) to any other competent Court of its judgship for early disposal of the appeal.

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

(K.R. Mohapatra)
Judge