

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.553 of 2022

Sumita Mohanty

.....

Petitioner

Mr. Suvashish Pattanaik, Advocate

-versus-

Naba Kumar Mohanty and others

....

Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

25.07.2022

Order No.

2.
 1. This matter is taken up through Hybrid mode.
 2. This CMP has been filed for a direction to learned Senior Civil Judge, Sambalpur to dispose of CS No.48 of 2017 at an early date.
 3. Mr. Pattanaik, learned counsel submits that the suit has been filed for partition. Except Defendant No.1 all other Defendants have already entered appearance. As the Defendant No.1 is avoiding to receive notice, substituted notice was also taken on him by paper publication. Learned Civil Judge vide order dated 6th August, 2021 observed to consider the sufficiency of service of notice on Defendant No.1 after service of notice on Defendant No.5. Order dated 22nd March, 2022 clearly reveals that summons has been duly served on Defendant No.5. In spite of the same, learned Civil Judge (Senior Division), Sambalpur without considering the sufficiency of service of summons on Defendant No.1, is adjourning the matter to different dates. Hence, the Plaintiff/Petitioner is highly prejudiced. As such, he has filed this CMP for the aforesaid relief.

4. Taking into consideration the submission made by learned counsel for the Petitioner, this Court finds that the matter is not ready for hearing. Thus, a direction for early disposal of the suit cannot be issued at this stage. It is, however, directed that on the next date of posting, learned Civil Judge (Senior Division), Sambalpur shall consider the sufficiency of service of notice on Defendant No.1 through substituted mode, if not considered in the meantime and proceed with the matter in accordance with law. He shall also make an endeavour for early disposal of the suit. Parties are directed to cooperate the learned Civil Judge (Senior Division), Sambalpur for early disposal of the suit.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge