

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 567 OF 2022

Rabia Sultana

..... Petitioner

Mr. Lakshman Mishra, Advocate

-versus-

Kiranbala Mohanty and others

.... Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

05.08.2022

Order No.

2. 1. This matter is taken up through Hybrid mode.
2. This CMP has been filed assailing order dated 13th April, 2022 (Annexure-4) passed by learned 1st Additional District Judge, Rourkela in FAO No.9 of 2015, whereby he dismissed the appeal filed against order dated 23rd February, 2015 passed by learned Civil Judge (Senior Division), Rourkela in IA No.81 of 2013 (arising out of CS No.176 of 2013) rejecting an application filed under Order XXXIX Rules 1 and 2 CPC.
3. In course of hearing, Mr. Mishra, learned counsel for the Petitioner submits that interest of justice will be best served if CS No.176 of 2013 is disposed of an early date. It is his submission that pleadings of the parties are complete in the suit and the suit is ready for hearing. There is also no legal impediment for early disposal of the suit. Hence, a direction may be made for early disposal of the suit.
4. Taking into consideration the innocuous nature of prayer made by learned counsel for the Petitioner, this Court, without

interfering with the impugned order, disposes of the CMP with an observation that in the event Petitioner files an application for early disposal of CS No.176 of 2013 pending before learned Civil Judge (Senior Division), Rourkela stating the grounds therein, learned trial Court shall do well to consider the same and proceed with the matter in accordance with law. Parties are directed to cooperate learned trial Court for early disposal of the suit, if there is no legal impediment.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge



s.s.satapathy