

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.573 OF 2022

Md. Masood Akram

Petitioner

Mr. Amit Prasad Bose, Advocate

-versus-

Quayum Khan @ Quaium Khan

.... ***Opp. Party***

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), Champua to dispose of C.M.A. No.2 of 2018 (Annexure-4 series) filed by the Opposite Party-J.Dr.
 3. Mr. Bose, learned counsel for the Petitioner submits that Execution Case No.8 of 2006 has been filed by the Petitioner-decree holder (D.Hr) to execute the decree passed by learned Civil Judge (Senior Division), Champua in Title Suit No.31 of 1999. After the bailiff delivered possession of the suit land in favour of the D.Hr, the J.Dr appeared and filed C.M.A. No.2 of 2018 under Section 47 C.P.C. On each date of posting the J.Dr is seeking for adjournment and the matter is being adjourned. In the process the D.Hr is highly prejudiced. He, therefore, prays for a direction for early disposal of C.M.A. No.2 of 2018.

4. Taking into consideration the submission made by learned counsel for the Petitioner and on perusal of the order sheet of C.M.A. No.2 of 2018 under Annexure-4 series, it appears that almost on each date, the Opposite Party-J.Dr has sought for adjournment of hearing of C.M.A. No.2 of 2018. It also appears from the order sheet that there is no legal impediment on the part of learned executing Court to dispose of C.M.A.

5. In view of the above, this Court without expressing any opinion on the merits of the case of the parties in C.M.A. No.2 of 2018 filed under Section 47 C.P.C., disposes of the CMP with a direction that on production of certified copy of this order, learned Civil Judge (Senior Division), Champua shall make an endeavour for early disposal of C.M.A. No.2 of 2018 preferably by the end of August, 2022, if there is no legal impediment.

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

(K.R. Mohapatra)
Judge