

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.576 OF 2022

Damodar Samal and others

Petitioners

Mr. Nirakar Behera, Advocate

-versus-

Smt. Sulochana Tripathy and others

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

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
06.07.2022

Order No.

- 01.
1. This matter is taken up through hybrid mode.
 2. The Petitioners in this CMP seek for a direction for early disposal of two petitions dated 26th February, 2020 (Anneuxre-2) filed by Defendant No.2 to expunge the portion of deposition of Plaintiff No.1, more fully, described in the schedule of the said petition and as well as the petition dated 5th October, 2020 (Annexure-3) filed under Order XXII Rule 3 read with Section 151 C.P.C. for substitution of the deceased Plaintiff No.2.
 3. It is submitted by Mr. Behera, learned counsel for the Petitioners that although the suit is ready for hearing but due to pendency of the petitions under Annexures-2 and 3, the hearing of the suit could not be proceeded. As such, the Plaintiffs are highly prejudiced. Hence, he prays for early disposal of the said petitions under Annexures-2 and 3. It is also submitted that there is no legal impediment for early

disposal of those petitions and both the petitions are posted to 27th July, 2022 for hearing.

4. Taking into consideration the submission made by learned counsel for the Petitioners, this Court without expressing any opinion the merits of the case of the Petitioners, disposes of this CMP with a direction that learned Civil Judge (Junior Division), Kendrapara shall make an endeavour to dispose of the petitions dated 26th February, 2020 and 5th October, 2020 under Annexures-2 and 3 respectively as expeditiously as possible, preferably on the next date of posting in accordance with law. If, for any reason, the petitions under Annexures-2 and 3 cannot be disposed of on the date fixed, learned trial Court shall make an endeavour to dispose of the same in accordance with law within a period of fifteen days thereafter giving opportunity of hearing to the parties concerned, if there is no legal impediment.

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

(K.R. Mohapatra)
Judge

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