

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP NO. 577 OF 2022

Sephali Jora and another* *Petitioners

**Mr. Bhaskar Chandra Panda,
Advocate**

-versus-

Jaladhar Mohanty and others* *Opp. Parties

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
02.08.2022**

Order No.

3. 1. This matter is taken up through hybrid mode.
2. This CMP has been filed seeking for a direction for early disposal of Execution Case No.9 of 2021 pending before learned Civil Judge (Senior Division), Talcher by waiving the notice to the Judgment Debtor (J.Dr.)-Opposite Party No.3.
3. Mr. Panda, learned counsel for the Petitioners submits that the judgment and decree was passed by learned Additional District Judge, Talcher in RFA No. 24 of 2015 on 27th April, 2021. Since the execution case has been filed within two years from the date of judgment and decree put to execution, no notice on the J.Dr.-Opposite Party No.3 is required to be issued as he is avoiding to receive such notice and to participate in the execution proceeding. In that regard, the Petitioners have filed an application on 23rd December, 2021, which is yet to be disposed of. He, therefore, submits that learned Executing Court may be directed to dispose of the said petition and proceed with the execution case for its early disposal.

4. Taking into consideration the innocuous nature of prayer made by the Petitioners, this Court without expressing any opinion on the merits of the submission made by learned counsel for the Petitioners disposes of this CMP with a direction that on production of certified copy of this order, learned Civil Judge (Senior Division), Talcher shall do well to consider the petition dated 23rd December, 2021 stated to have been filed by the Petitioners-D.Hrs. in accordance with law within a period of two weeks therefrom and proceed with the execution case expeditiously.

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

(K.R. Mohapatra)
Judge

bks

