

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.596 OF 2022

Smt. Manoranjana Devi ***Petitioner***
Mr. Pabitra Kumar Nayak, Advocate
-versus-
Mitra Ranjan Panda and others ***.... Opp. Parties***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
21.07.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this CMP seeks to assail the order dated 20th May, 2022 (Annexure-3) passed by learned Civil Judge (Senior Division), Bhubaneswar in C.S. No.1428 of 2011, whereby an application filed under Section 10 C.P.C. has been allowed by staying further proceeding of the aforesaid suit till disposal of the Probate Test Case No.27 of 2021/C.S. No.1281 of 2018.
3. In course of hearing, Mr. Nayak, learned counsel for the Petitioner submits that probate proceeding has been substantially proceeded and only few witnesses are to be examined and judgment is to be delivered after hearing of the argument.
4. In that view of the matter, this Court feels it proper to direct the learned Civil Judge (Senior Division), Bhubaneswar to dispose of probate proceeding i.e. T.S. No.27 of 2021/C.S. No.1281 of 2018 at an early date.

5. Accordingly, this Court without expressing any opinion on the merits of the case of the Petitioner and sustainability of the impugned order under Annexure-3 directs the learned Civil Judge (Senior Division), Bhubaneswar to dispose of Probate Test Case No.27 of 2011/ C.S. No.1281 of 2018 at an early date without allowing unnecessary adjournments.

6. Learned counsel for the parties are directed to cooperate with learned trial Court for early disposal of the probate proceeding. If any of the parties to the probate proceeding does not cooperate for its early disposal, learned trial Court may take coercive action against him/her/them in accordance with law.

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

(K.R. Mohapatra)
Judge

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