

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 600 of 2022

Subash Chandra Mandal ***Petitioner***
Ms. Droupadi Mohanty, Advocate

-versus-

Nitesh Kumar Patra ***Opp. Party***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER

Order No.

17.08.2022

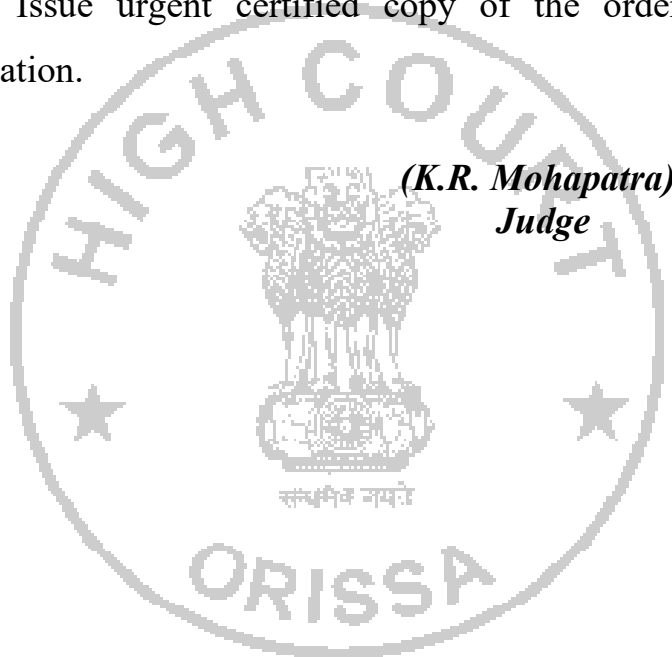
1. This matter is taken up through Hybrid mode.
2. Petitioner in this CMP seeks to assail the order dated 18th June, 2022 (Annexure-1) passed by learned Civil Judge (Senior Division), Bhadrak in IA No.221 of 2022 (arising out of CS No.349 of 2022), whereby he rejected an application under Order XXXIX Rule 3 CPC.
3. Learned counsel for the Petitioner submits that the Plaintiff along with the plaint filed an application under Order XXXIX Rules 1 and 2 CPC in IA No.221 of 2022. As there was urgency in the matter he also filed an application under Order XXXIX Rule 3 CPC to take up the IA for temporary injunction dispensing with service of notice on Defendant/Opposite Party. The said application being rejected, this CMP has been filed.
4. Perusal of the impugned order under Annexure-1 this Court finds that while dealing with the petition under Order XXXIX Rule 3 CPC, learned trial Court did not find any urgency to take up the matter. In view of the above, this Court

is not inclined to interfere with the impugned order under Annexure-1.

4.1 However, if the Petitioner files an application to take out notice on the sole Defendant/Opposite party by special messenger, the said application shall be taken up and upon service of notice on Defendant/Opposite Party, the IA No.221 of 2022 may be taken up at an early date without granting unnecessary adjournment in the matter.

5. With the aforesaid observation, the CMP is disposed of.

Issue urgent certified copy of the order on proper application.



(K.R. Mohapatra)
Judge

s.s.satapathy