

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP NO. 618 OF 2022

Bantaligram Co-operative Society ***Petitioner***
Mr. Sarathi Jyoti Mohanty, Advocate

-versus-

Ratnakar Pradhan and others ***Opp. Parties***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
25.07.2022

Order No.

2.
 1. This matter is taken up through hybrid mode.
 2. The Petitioner in this CMP prays for a direction for early disposal of C.S. No. C.S. No.197 of 2017/10 of 2017 pending before learned Civil Judge (Junior Division), Konark.
 3. Mr. Mohanty, learned counsel for the Petitioner submits that although the matter is posted for adducing evidence on behalf of the Plaintiff, but he is taking repeated adjournments for which the Defendant No.1-Petitioner is highly prejudiced. It is his submission that the suit has been filed for injunction and it is ready for hearing. There is also no legal impediment on the part of the Plaintiff to lead evidence in the matter. Due to repeated adjournments, the suit could not proceed. Hence, the Petitioner finding no other alternative has filed CMP for the aforesaid relief.
 4. Taking into consideration the submission of learned counsel for the Petitioner and on perusal of the order sheet of C.S. No.197 of 2017/10 of 2017, it appears that the matter was posted to different dates for hearing and lastly on 10th May, 2022

for adducing evidence on behalf of the Plaintiff. On the said date, learned counsel for the Plaintiff sought for an adjournment and accordingly, the suit was posted to 12th July, 2022 for filing of documents, if any, for evidence.

5. In view of the above, this Court is of the considered view that when the suit is ready for hearing, learned Civil Judge (Junior Division), Konark should not adjourn the matter liberally. Accordingly, this CMP is disposed of with a direction that learned Civil Judge (Junior Division), Konark shall do well to make an endeavour for early disposal of C.S. No.197 of 2017/10 of 2017, if there is no legal impediment. Parties are directed to cooperate with the learned trial court for its disposal. It is made clear that no unnecessary adjournment shall be given by learned trial court.

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

(K.R. Mohapatra)
Judge

bks