

IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P. No.1219 of 2018

Bidyadhar Behera

....

Petitioner(s)

Mr.A.Mohanty, Advocate

-versus-

Gourahari Behera & Ors.

....

Opposite Party(s)

Mr.G.Mishra, Advocate

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
23.02.2022**

Order No.

05.

1. Heard learned counsel appearing for the parties.
2. This Civil Miscellaneous Petition involves a challenge to the impugned order at Annexure-7. Document disclosed that after disposal of an application under Order 39, Rule 1 and 2 of the Code of Civil Procedure, directing the parties to maintain status quo, a complain was made to the very same court for exercise of power under Section 151 of the Code of Civil Procedure to open the lock in the particular house, if necessary with help of police. However, entertaining such application, the trial court appears to have directed the Inspector-in-Charge, Chandbali to open the lock room situated on Plot No.458 in presence of both the parties and to enter into identification as to whether the property belongs to which party and thereafter again to put a lock at the cost to be borne by both the parties and submit report for consideration of the court.
3. Looking to the nature of the order, this Court finds the order is absolutely innocuous only to find the ownership of the property involving lock room. This can at the best be a requirement in the event of violation of status quo order. It is at this stage of the matter, learned

counsel appearing for the petitioner requests this Court for at least expediting the trial involving the suit involved herein.

4. Keeping in view the above request at the instance of the petitioner, this Court directs in the event the pleading involving C.S.No.73/2015-I has been completed, attempt may be made to dispose of the suit at least within a period of one month. Petitioner as well as opposite parties appeared herein are restrained from taking any unnecessary adjournment involving the suit.

5. For disposal of the Civil Miscellaneous Petition, interim order dated 24.8.2018 passed in Misc. Case No.1311 of 2017 stands vacated.

6. With this observation and direction, the C.M.P. stands disposed of.

(Biswanath Rath)
Judge

Sks

