

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No. 657 OF 2022

Smt. Swarnalata Mukhi ***Petitioner***
Mr. S. Sourav, Advocate

-versus-

Basanti Bailarsingh and others ***Opp. Parties***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
16.08.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this CMP prays for a direction to learned Civil Judge (Senior Division), Bhubaneswar to dispose of C.S. No.6791 of 2014 at an early date.
3. Mr. Sourav, learned counsel for the Petitioner submits that the Plaintiff-Petitioner is an old lady of seventy-one years. C.S. No.6791 of 2014 has been filed for declaration, partition as well as for permanent injunction. The suit is being adjourned to different dates for consideration of application under Order V Rule 9 C.P.C. Although, the Plaintiff-Petitioner has moved learned trial Court to consider such application at an early date and to proceed with the suit, the same is not being taken up. In view of the above, the Plaintiff-Petitioner is highly prejudiced.
4. Mr. Sourav, learned counsel for the Petitioner, therefore, submits that a direction may be made to consider the said application at an early date as well as to make an endeavour for early disposal of the suit keeping in view the age of the Plaintiff-Petitioner.

5. Upon consideration of the submission made by learned counsel for the Petitioner, this Court is of the considered opinion that if any application under Order V Rule 9 C.P.C. is pending, the same should be adjudicated at an early date without entertaining unnecessary adjournments.

6. In view of the above, this Court disposes of the CMP with an observation that in the event of filing of certified copy of this order, learned Civil Judge (Senior Division), Bhubaneswar shall do well to consider the application stated to be pending under Order V Rule 9 C.P.C. at an early date and proceed with the matter to see that the suit is disposed of at an early date, if there is no legal impediment.

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

(K.R. Mohapatra)
Judge

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