

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 676 of 2022

Bijaya Kumar Mahapatra

.....

Petitioner

Mr. Budhadev Routray, Senior Advocate
being assisted by Mr. S.K. Samal, Advocate

-versus-

Anita Mahapatra and others

....

Opp. Parties

Mr. J.K. Mishra, Advocate
(For Opposite party No.1)

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

25.08.2022

Order No.

1. This matter is taken up through Hybrid mode.
2. This CMP has been filed assailing order dated 12th May, 2022 (Annexure-6) passed by learned Additional District Judge, Kodala in FAO No.01 of 2022 dismissing the appeal thereby confirming the order dated 10th December, 2021 (Annexure-5) passed by learned Civil Judge (Junior Division), Kodala in IA No.02 of 2021 (arising out of CS No.05 of 2016) filed under Order XXXIX Rule 4 CPC.
3. In course of hearing, Mr. Routray, learned Senior Advocate appearing on behalf of the Petitioner submits that interest of justice will be best served if learned trial Court is directed to dispose of CS No.05 of 2016 at an early date. Further, drawing attention of this Court to order passed by learned Additional District Judge, Kodala in FAO No.1 of 2022 disposed of on 12th May, 2022, Mr. Routray, learned Senior Advocate submits that although a direction has already been

made to dispose of the suit within a period of five months, but in the meantime more than one year has already lapsed and no effective steps has been taken by learned Civil Judge for disposal of the suit.

4. Mr. Mishra, learned counsel for the Plaintiff/Opposite Party No.1 submits that he has no objection if a direction is made for early disposal of the suit without interfering with the impugned order.

5. On perusal of record, it appears that there are some defects pointed out by Stamp Reporter, but taking into consideration the innocuous prayer made by learned counsel for the Petitioner, this Court ignoring the defects pointed out by SR, disposes of the CMP with a direction that learned Civil Judge (Junior Division), Kodala shall make an endeavour for early disposal of CS No.5 of 2016 at an early date without granting unnecessary adjournments and keeping in mind the direction issued by learned Appellate Court in FAO No.1 of 2022, as aforesaid. Parties are directed to cooperate learned trial Court for early disposal of the suit.

6. With the aforesaid observation and direction, the CMP is disposed of.

Issue urgent certified copy of the order proper application.

(K.R. Mohapatra)
Judge