

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 703 of 2022

Pramila Mishra

..... Petitioner

Mr. D.Das, Advocate

-versus-

Dambarudhar Mishra and others

.... Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

12.09.2022

Order No.

IA No.777 of 2022

1. 1. This matter is taken up through Hybrid mode.
2. 2. This is an application for dispensing with filing of certified copy of Annexure-1.
3. 3. On consideration of the submission made by learned counsel for the Petitioner and that the judgment under Annexure-1 is not under challenge in the CMP, filing of certified copy of Annexure-1 is dispensed with.
4. 4. The IA is disposed of.

(K.R. Mohapatra)
Judge

2. **CMP No. 703 of 2022**

1. This CMP has been filed for a direction to learned District Judge, Cuttack to dispose of RFA No.89 of 2016 at an early dated.
2. It is submitted by learned counsel for the Petitioner that Respondent No.1 in the Appeal is the Petitioner in this CMP. Since 23rd November, 2016, the matter is being adjourned to different dates for taking steps on the Respondents. It is his submission that due to lackadaisical approach of the Appellant

notices on all the Respondents could not be served as yet. Petitioner/Respondent No.1 has already entered appearance and filed her cross-objection. In view of pendency of appeal, the Petitioner is seriously prejudiced.

3. Mr. Das, learned counsel for the Petitioner further submits that once the notice is served on the Respondents there will be no difficulty in disposing of the appeal. Hence, he prays for a direction to learned appellate Court to take coercive measures and compel the Appellant/Opposite Party No.1 to take proper steps in the matter so that the appeal can be disposed of at an early date.

4. Taking into consideration the submission of learned counsel for the Petitioner and on perusal of the materials on record, this Court is of the considered opinion that the Appellant should take proper steps for service of notices on the Respondents. It appears that there are as many as nineteen contesting Respondents in the appeal. At the same time, the matter is pending since 2016 for service of notices on the Respondents.

5. In view of the above, it is directed that learned appellate Court shall take coercive measures and compel the Appellant to serve notices on the Respondents and make an endeavour for early disposal of the appeal.

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

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge