

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 705 of 2022

Pravasini Behera

..... Petitioner

Mr. Amitav Tripathy, Advocate

-versus-

Sanatan Behera and others

.... Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

12.09.2022

Order No.

1. This matter is taken up through Hybrid mode.
2. Petitioner in this CMP prays for a direction for early disposal of CS No.183/104 of 2011/2009 pending before learned Civil Judge (Junior Division), Nayagarh.
3. Mr. Tripathy, learned counsel for the Petitioner submits that Defendant No.3 in the suit is the Petitioner in this CMP. The suit has been filed for partition. Issues have already been settled in the matter. Although the matter is ready for hearing and there is no impediment for early disposal of the suit, due to non-cooperation of the Plaintiff hearing of the suit could not commence as yet. Hence, he prays for a direction to learned trial Court for early disposal of the suit.
4. Upon hearing learned counsel for the Petitioner and on perusal of the order sheet annexed to the CMP as Annexure-2, it appears that the suit was posted to 22nd June, 2022 for filing of objection to the petition filed by Defendant No.7. It further appears copy of the consolidated plaint is not served. Thus, prayer of the Petitioner for early disposal of the suit cannot be

entertained at this stage. It is however directed that keeping in view that the suit is of the year 2009, learned trial Court should take prompt steps to see that the suit is disposed of at an early date and no unnecessary adjournments should be granted in the suit. Petitioner/Defendant No.3 is also at liberty to file an application for early disposal of the suit stating the grounds therein, once the suit becomes ready for hearing.

5. With the observation, as aforesaid, the CMP is disposed of.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge

s.s.satapathy

