

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No. 715 OF 2022

Shyamapada Das

....

Petitioner

Mr. Bhabani Sankar Das, Advocate

-versus-

Krushnapada Das

....

Opp. Party

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER

19.09.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this CMP seeks to assail the order dated 12th May, 2022 (Annexure-7) passed by learned Senior Civil Judge, Jaleswar in I.A. No.140 of 2021 (arising out of C.S. No.284 of 2021), whereby he referred the suit to the Chairman, Taluk Legal Services Committee, Jaleswar for mediation/conciliation.
3. It appears that the matter was referred to the Chairman, TLSC, Jaleswar on 12th May, 2022 and the suit was posted to 24th July, 2022 awaiting mediation/conciliation report.
4. Mr. Das, learned counsel for the Petitioner referring to Paragraph-10 of the CMP submits that the suit is filed for partition. Learned trial Court without following the provisions under Section 89(1) C.P.C., has referred the matter to the Chairman, TLSC, Jaleswar for mediation/conciliation. However, as the parties are at logger head, no progress for mediation/conciliation has yet been made. Hence, he submits that no fruitful purpose will be served in keeping the matter

pending before the Chairman, TLSC, Jaleswar. As such, learned trial Court should make an endeavour for early disposal of the suit on merit.

5. Taking into consideration the submission made by learned counsel for the Petitioner, this Court without expressing any opinion on the merits of the case, disposes of the CMP with a direction that if no progress is made before the Chairman, TLSC, Jaleswar for mediation/conciliation, learned trial Court should make an endeavour to dispose of C.S. No.284 of 2021 on merit giving opportunity of hearing to the parties concerned.

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

(K.R. Mohapatra)
Judge



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