

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP NO. 716 OF 2022

Binati Das

.....

Petitioner

Mr. Amit Prasad Bose, Advocate

-versus-

Deepak Chandra Das and another

....

Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

11.08.2022

Order No.

1. 1. This matter is taken up through hybrid mode.
2. 2. This CMP has been filed seeking for a direction for early disposal of C.S. No.7429 of 2014 pending in the court of learned Civil Judge (Junior Division), First Court, Cuttack.
3. 3. Mr. Bose, learned counsel for the Petitioner submits that an application under Order VI Rule 17 C.P.C. filed by the Plaintiff-Opposite Party No.1 was allowed on 8th May, 2018 and since then, the matter is being adjourned to different dates for last more than four years for filing of the consolidated plaint. It is his submission that in view of non-cooperation of the Plaintiff and adjournment of the suit to different dates for last more than four years for filing of the consolidated plaint, the Defendant-Petitioner is highly prejudiced. Hence, he prays for a direction for the aforesaid relief.
4. 4. Taking into consideration the submission made by learned counsel for the Petitioner and on perusal of the order sheet of C.S. No.7429 of 2014, it appears that after the petition under Order VI Rule 17 C.P.C. was allowed vide order dated 8th May, 2018, the suit is being adjourned to different dates for filing

of the consolidated plaint for last more than four years. Law is well settled that if a party does not file consolidated plaint/written statement pursuant to the order passed by the Court, within the time stipulated by the Court, the amendment allowed should be ignored. But, in the case at hand, learned trial Court is proceeding with the matter by allowing adjournment to different dates, that too for last more than four years.

5. In view of the above, this Court without expressing any opinion on the procedure adopted by learned trial Court directs that on production of certified copy of this order, learned trial Court shall do well to proceed with the matter strictly in accordance with law and make an endeavour for early disposal of C.S. No. 7429 of 2014, if there is no legal impediment. Parties are directed to cooperate with learned trial Court for early disposal of the suit. Learned trial Court is also at liberty to take coercive measure in accordance with law, if any of the parties fail to co-operate for early disposal of the suit.

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

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

(K.R. Mohapatra)
Judge

bks