

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 418 OF 2021

***M/s MAPel Furniture Private Limited Petitioners
and others***

Ms. Sujata Jena, Advocate

-versus-

Indra Das Opp. Party
Mr.Susanta Kumar Dash, Advocate

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
06.12.2022**

Order No.

10. 1. This matter is taken up through hybrid mode.
2. Petitioners in this CMP seek to assail order dated 23rd April, 2021 (Annexure-3) passed by learned 2nd Additional Civil Judge (Senior Division), Cuttack, in CMA No.14 of 2021 (arising out of CS No.128 of 2021), whereby the Petitioner No.1 herein has been directed to pay arrear rent of Rs.5,06,000/- for the period from February, 2019 to November, 2020 and also to deposit a sum of Rs.45,000/- per month in Court towards use and occupation of the premises from December, 2020 onwards.
3. Considering the submission made by learned counsel for the Petitioners, this Court, vide order dated 9th September, 2021, while issuing notice in the matter, as an interim measure, directed that if the Petitioners pay a sum of Rs.75,000/- towards arrear rent to the Opposite Party by 23rd September, 2021 and go on paying the monthly rent at the rate of Rs.25,000/- with effect from September, 2021, the impugned order under Annexure-3

shall remain stayed till the next date, which is continuing till today.

4. Mr. Dash, learned counsel for the Opposite Party submits that Petitioners have not complied with the interim order of this Court. Ms. Jena, however, submits that the Petitioners have paid Rs.75,000/- and deposited monthly rent for one month only. They are not in a position to pay the rent, as directed. She further submits that if a reasonable time is granted, Petitioners will vacate the premises and hand over possession of the premises to the Opposite Party. Mr. Dash, learned counsel for the Opposite Party does not have any objection to the same.

5. In view of the above, this Court, without interfering with the order impugned herein, disposes of the CMP with a direction that Petitioners shall vacate the suit premises latest by end of January, 2023. The Opposite Party is at liberty to take steps in accordance with law for implementation of the order impugned herein.

6. Interim order dated 9th September, 2021 passed in IA No.378 of 2021 stands vacated.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge