

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP NO.430 OF 2021

Karadi Yamini

....

Petitioner

Mr.P.K.Parhi, Adv.

-versus-

Karadi Bhima Patro

....

Opposite Party

Mr.S.K.Jethy, Adv.

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
8.3.2022**

**Order
No.**

06.

1. Heard learned counsel for the Parties.
2. The CMP involves a challenge to the order passed by the Appellate Authority, vide Annexure-5 involving an order of the trial court under Annexure-3 injuncting the Defendant from alienating the disputed property. Undisputedly, the Appeal has come to be closed with a reversal order thereby granting no interim order since 17.8.2021.
3. It is brought to the notice of this Court that taking advantage of the order dated 17.8.2021, the O.P., i.e., Defendant in the Suit has come to sell and there has been sale transaction involving some of the disputed properties on 19.8.2021. There is controversy as to if the Defendant sold the whole property or part property.

4. This Court does not want to enter into such aspect at this stage. However, coming back to impugned order if required to be interfered with, for the opinion of this Court, this Court cannot enter into the question of validity of sale taking place in 2021 since it is nowhere available in the suit itself. It is left open to the Parties to find out their option available. Keeping in view the further development taking place after the appellate order is passed, further considering the entertainability of the CMP any further, this Court finds, there is no interim order operating involving the Defendant. In the event, there is any inconvenience after disposal of the Appeal, involving development taking place in the pendency of suit, it is open to the Parties to take out appropriate remedy available under appropriate law.

5. The CMP thus stands dismissed as not maintainable. Interim order dated 23.8.2021 passed in I.A. No.397/2021 stands vacated.

(Biswanath Rath)
Judge

M.K.Rout