

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No. 775 OF 2022

Pratap Chandra Behera ***Petitioner***
Mr. Samir Kumar Mishra, Advocate

-versus-

Santosh Kumar Behera ***Opp. Party***

CORAM:
JUSTICE K.R. MOHAPATRA

Order No.

ORDER
15.09.2022

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this CMP prays for setting aside the order dated 18th July, 2022 (Annexure-5) passed by learned Additional District Judge-II, Baripada, Mayurbhanj in F.A.O. No.15 of 2021, whereby he confirmed the order dated 5th October, 2021 passed by learned Senior Civil Judge, Udala in I.A. No.12 of 2021 (arising out of C.S. No.60 of 2021) directing the parties to maintain status quo over the suit land.
3. Mr. Mishra, learned counsel for the Petitioner submits that C.S. No.60 of 2021 has been filed for partition. Written statement has also been filed by the Petitioner-Defendant. The Defendant does not dispute the fact that the suit land is partible. The only dispute is with regard to a ring well situated at the north-east corner of the suit land. When the Plaintiff-Opposite Party claims that the ring well is being used by the general public of Grama Panchayat, the Petitioner-Defendant claims that

the same is being exclusively used by the Plaintiff-Opposite Party. The Petitioner also undertakes to cooperate with learned trial Court for early disposal of the suit. He, therefore, submits that since the pleadings are complete and there is no legal impediment, interest of justice will be best served, if a direction is made for early disposal of the suit.

4. Keeping in mind limited nature of dispute between the parties and that the pleadings are complete, this Court is of the considered opinion that interest of justice will be best served, if the suit is disposed of at an early date without disturbing the order of status quo passed by both the Courts.

5. In view of the above, this Court without expressing any opinion on the merits of the case of the Petitioner, disposes of the CMP with a direction that learned Senior Civil Judge, Udala shall make an endeavour to dispose of C.S. No.60 of 2021 as expeditiously as possible preferably by the end of March, 2023 in accordance with law, if there is no legal impediment.

6. Parties are directed to cooperate with learned trial Court for early disposal of C.S. No.60 of 2021.

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

(K.R. Mohapatra)
Judge

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