

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No. 776 OF 2022

Subrat Kumar Chand ***Petitioner***
Mr. Niranjana Lenka, Advocate
-versus-
Subhendu Kumar Chand and others ***Opp. Parties***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
21.09.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The CMP has been filed seeking for a direction for early disposal of C.S. No.443/512 of 2021-I pending before learned Senior Civil Judge, Balasore.
3. Mr. Lenka, learned counsel for the Petitioner submits that although the Plaintiff-Petitioner has already filed his evidence in chief under Order XVIII Rule 4 C.P.C., the Defendant Nos.1 and 3 are intentionally avoiding to cross-examine him and are seeking adjournments on some plea or other for which the Petitioner is seriously prejudiced. Hence, he prays for a direction to the learned trial Court to proceed with the matter and dispose of the suit at an early date without granting unnecessary adjournments.
4. In view of the submission made by learned counsel for the Petitioner and on perusal of the order sheet of C.S. No.443/512 of 2021-I annexed to the CMP as Annexure-3, it appears that the suit is pending for cross-examination of P.W.1 and is being adjourned to different dates.

5. In view of the above, the CMP is disposed of with an observation that learned trial Court should make an endeavour for early disposal of the suit along with counter claim following due procedure of law. It is, however, made clear that unnecessary adjournments should not be granted to the parties.

6. Parties to the suit are also directed to cooperate with learned trial Court for early disposal of C.S. No.443/512 of 2021-I.

(K.R. Mohapatra)
Judge



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