

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 785 OF 2022

Smt. K. Malati @ K. Malati Dora ***Petitioner***
Mr. Gouri Mohan Rath, Advocate

-versus-

P.S. Venkateswarlu and others ***Opp. Parties***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER

24.08.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner as Plaintiff in this CMP prays for a direction for early disposal of Title Suit No.161 of 1993 pending before learned Civil Judge (Senior Division), Berhampur.
3. Mr. Rath, learned counsel for the Petitioner submits that the suit is ready for hearing and in fact, evidence from the side of the Plaintiff is over since 8th April, 2022. The Defendants thereafter are taking repeated adjournments to adduce evidence on their behalf. Since the suit is pending for last more than twenty-eight years, learned trial Court ought to have taken steps under Order XVII Rule 1 C.P.C. to see that the suit is disposed of at an early date. It is his submission that there is no legal impediment for early disposal of the suit. Due to pendency of the suit, the Plaintiff-Petitioner is seriously prejudiced. Hence, the Petitioner finding no other alternative has filed this CMP for the aforesaid relief.
4. Taking into consideration the submission made by learned counsel for the Petitioner, this Court is of the

considered opinion that once the trial of the suit is commenced, learned trial Court should have adopted the procedure enumerated under Order XVII Rule 1 C.P.C. and to see that the suit is disposed of at an early date. If any of the parties to the suit is not cooperating for early disposal of the suit, the Court is at liberty to take coercive measure in accordance with law.

5. In view of the above, the CMP is disposed of with a direction that learned Civil Judge (Senior Division), Berhampur shall do well to adjudicate T.S No.161 of 1993 at an early date in accordance with law giving opportunity of hearing to the parties concerned.

6. However, parties are directed to cooperate with learned trial Court for early disposal of the suit. If any of the parties does not cooperate, learned trial Court may take coercive measure in accordance with law and see that the suit is disposed of at an early date, if there is no legal impediment.

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

(K.R. Mohapatra)
Judge