

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 787 OF 2022

Urmila Mohanty and another* *Petitioners

Mr. Madan Mohan Das, Advocate

-versus-

Guru Charan Jena and another* *Opp. Parties

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

**ORDER
16.09.2022**

Order No.

01. 1. This matter is taken up through hybrid mode.
2. At the outset, it is submitted by Mr. Das, learned counsel for the Petitioners that Petitioner No.2 has died in the meantime. Hence, her name may be deleted from the array of Petitioners in cause list.
3. Prayer is allowed.
4. Mr. Das, learned counsel for the Petitioners is permitted to carry out the necessary correction in Court.
5. The Petitioners in this CMP seek for a direction to learned 1st Additional Civil Judge (Senior Division), Bhubaneswar to dispose of C.S. No.616 of 2014 at an early date.
6. Mr. Das, learned counsel for the Petitioners submits that the Plaintiffs have filed a suit for partition. Due to non-cooperation of Defendant No.2, the matter is lingering. During pendency of the suit, the Plaintiff-Petitioner No.2 has died, as she was suffering from cancer. The Plaintiff-Petitioner No.1 is a

helpless lady and due to dilatory tactics by the Defendant No.2, she is suffering a lot. It is further submitted that the pleadings are complete in all respect and there is no legal impediment for early disposal of the suit. Hence, the CMP has been filed for the aforesaid relief.

7. Upon consideration of the submission made by learned counsel for the Petitioners and on perusal of the record, this Court is not clear about the status of the suit. Hence, the prayer made in the CMP cannot be granted at this stage.

8. However, the Petitioner No.1, if so advised, may file an application before learned trial Court for early disposal of the suit stating the grounds therein. In that event, learned trial Court shall consider such application in accordance with law, if the suit becomes ready for hearing and proceed with the matter accordingly.

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

(K.R. Mohapatra)
Judge