

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CMP No. 841 of 2022**

***Upendra Kumar Sahu*** ..... ***Petitioner***  
Mr. Manoj Kumar Panda, Advocate  
  
-versus-  
***Hemanta Kumar Das and others*** .... ***Opp. Parties***

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

**ORDER**  
**08.09.2022**

**Order No.**

1. This matter is taken up through Hybrid mode.
2. Petitioner in this CMP prays for a direction to learned Civil Judge (Senior Division), Banki to dispose of CS No.47 of 2003 at an early date.
3. Mr. Panda, learned counsel for the Petitioner submits that evidence from both sides have already been closed and the suit is posted for argument. At that stage, the Plaintiff No.1(a)-Hemanta Kumar Das by engaging his counsel filed a fresh Vakalatnama without taking consent from the previous counsel and the matter was posted to 5<sup>th</sup> July, 2022 for consideration of acceptance of Vakalatnama. Since then, the matter is being adjourned and learned trial Court is not taking any step for early disposal of the suit. As such, Petitioner/Defendant No.8 is seriously prejudiced.
4. Taking into consideration the submission of learned counsel for the Petitioner and on perusal of record, it appears that the suit is posted for hearing and at that stage, Plaintiff No.1(a) filed a fresh Vakalatnama by engaging his counsel without taking consent from previous set of counsel for which the matter was posted to 5<sup>th</sup> July, 2022 for consideration of acceptance of

Vakalatanama. There is nothing on record to show that evidence from both sides has been closed and the suit is posted for argument, as submitted by Mr. Panda, learned counsel for the Petitioner.

5. In view of the above, this Court is not in a position to direct disposal of the suit within a stipulated time. However, since it appears that the suit is of the year 2003 and is posted for hearing; hence, learned trial Court should make the best endeavour so that the suit is disposed of at an early date in accordance with law, if there is no legal impediment. Parties are directed to cooperate learned trial Court for early disposal of the suit.

Issue urgent certified copy of the order on proper application.

**(K.R. Mohapatra)**  
**Judge**