

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No. 842 OF 2022

Padmanav Kar ***Petitioner***
Miss Sradha Das, Advocate
-versus-
Manaranjan Kar and others ***Opp. Parties***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
26.09.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this CMP seeks for a direction for early disposal of R.F.A. No.25 of 2017 pending before learned District Judge, Bhadrak.
3. Miss Das, learned counsel submits that Respondent No.1 in the appeal is the Petitioner in this CMP. The Petitioner as Plaintiff had filed C.S. No. 561 of 2008-I and the preliminary decree has already been passed. Assailing the same, the Defendant No.1 has filed the aforesaid appeal. Although all the Respondents have already entered appearance in the appeal and there is no legal impediment for early disposal of the same, learned appellate Court has not made any endeavour in that regard. Due to pendency of the appeal, the Petitioner is seriously prejudiced as the order of status quo passed by learned appellate Court has been violated by the Appellant himself. Although an application for implementation of the order of status quo was filed by the Petitioner, but the same was rejected, assailing which CMP No.921 of 2022 has been filed. In view of

the above, if the appeal is disposed of at an early date, the Petitioner will be in a position to enjoy the fruit of the decree.

4. Taking into consideration the submission made by learned counsel for the Petitioner, this Court without expressing any opinion on the merits of the case, disposes of the CMP with a direction that in the event the Petitioner files a petition for early disposal of the appeal i.e. R.F.A. No.25 of 2017, learned District Judge, Bhadrak shall consider the said petition in accordance with law giving opportunity of hearing to the parties concerned and proceed with the appeal accordingly.

5. Parties to the appeal are directed to cooperate with learned appellate Court for early disposal of the appeal, if there is no legal impediment.

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

(K.R. Mohapatra)
Judge

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