

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP NO. 855 OF 2022

Badri Narayan Barik* *Petitioner

Mr. Bhagaban Mohanty, Advocate

-versus-

Kumudini Barik and others* *Opp. Parties

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

**ORDER
26.09.2022**

Order No.

1. 1. This matter is taken up through hybrid mode.
2. 2. The Petitioner in this CMP prays for a direction for early disposal of C.S. No. 85 of 2012 pending before learned Civil Judge (Senior Division), Keonjhar.
3. 3. It is submitted by Mr. Mohanty, learned counsel for the Petitioner that the Defendant No.1(c) in the suit is the Petitioner in this CMP. The matter is being adjourned to different dates of filing of consolidated plaint. Since it is a suit of the year, 2012, learned trial Court should take coercive measure against the Plaintiff to see that the suit becomes ready for hearing. But, learned trial Court is adjourning the suit liberally for which the Petitioner is seriously prejudiced.
4. 4. Taking into consideration the submission made by learned counsel for the Petitioner and on perusal of the order sheet of C.S. No.85 of 2012, it appears that although the application for amendment of the plaint was allowed since 4th October, 2019, but till 5th May, 2022, consolidated plaint was not filed. Since it is a suit of the year, 2012, learned trial Court should make an

endeavour to dispose of the suit at an early date without granting liberal adjournment.

5. As the suit is not ready for hearing, I am not inclined to entertain the prayer made by learned counsel for the Petitioner at this stage.

6. However, this CMP is disposed of with a direction that learned trial Court shall make an endeavour to see that the suit is disposed of at an early date, if there is no legal impediment and shall not grant unnecessary/long adjournment in the matter. The Court is at liberty to take coercive measure against the party who does not cooperate with it for early disposal of the suit.

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

(K.R. Mohapatra)
Judge

bks

