

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP NO. 872 OF 2022

Hemanta Kumar Padhi ***Petitioner***
Mr. Durga Prasad Pattanaik, Advocate
-versus-
Basanta Kumar Padhi and others ***Opp. Parties***
Mr. Prasanta Kumar Satapathy, Advocate

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
12.09.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioner in this CMP seeks to assail the order dated 25th August, 2022 (Annexure-1) passed in FAO No. 14 of 2022, whereby learned District Judge, Jagatsinghpur setting aside the order dated 13th January, 2022 (Annexure-4) passed by learned Civil Judge (Junior Division), Jagatsinghpur in I.A. No.344 of 2021 (arising out of C.S. No.548 of 2021) under Order XXXIX Rules 1 and 2 C.P.C. remitted the matter back to the learned trial Court for fresh adjudication.
3. In course of hearing, learned counsel for the parties submit that the matter is posted to 14th September, 2022 for hearing of I.A. No. 344 of 2021 pending before learned Civil Judge (Junior Division), Jagatsinghpur.
4. In that view of the matter, this Court is not inclined to entertain the CMP. Accordingly, this Court without delving into the merits of the case of the parties disposes of this CMP with a direction that learned trial Court shall make an endeavour to dispose of I.A. No.344 of 2021 on the date fixed. If it is not

possible on the part of learned trial Court to dispose of the same on that date, it shall take up the matter on the next day and dispose of the same in accordance with law, giving opportunity of hearing to the parties concerned. Parties are directed to cooperate with learned trial Court for early disposal of I.A. No.344 of 2021 on the date fixed.

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

(K.R. Mohapatra)
Judge

bks

