

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 882 of 2022

Bhikari Samal @ Mallick ***Petitioner***

Mr. Asit Kumar Jena, Advocate

-versus-

Anjan Samal and others ***Opp. Parties***

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

23.09.2022

Order No.

2. 1. This matter is taken up through hybrid mode.
2. 2. Petitioner in this CMP prays for a direction for early disposal of CS No.550 of 2017 pending before learned Civil Judge (Senior Division), 1st Court, Cuttack.
3. 3. In course of hearing, Mr. Jena, learned counsel for the Petitioner fairly submits that the suit is not ready for hearing, as notice on some of the Defendants is not sufficient. However, the suit is for partition and the present Petitioner, who is Defendant No.4 in the suit, has already entered appearance and filed his written statement. Due to pendency of the suit, Petitioner/Defendant No.4 is seriously prejudiced. He, therefore, prays for a direction to learned trial Court to take steps to see that the suit is disposed of early by taking coercive measures on the Plaintiff to serve notice on other Defendants.
4. 4. Taking into consideration the submission of learned counsel for the Petitioner, this Court finds that the suit is not

ready for hearing. Thus, the prayer for early disposal of the suit cannot be entertained at this stage.

4.1 However, the CMP is disposed of with an observation that in the event Petitioner files an application for early disposal of the suit stating the grounds therein, after the suit becomes ready for hearing, the same shall be considered in accordance with law. The parties are directed to cooperate learned trial Court for early disposal of the suit. Learned trial Court is at liberty to take all such coercive measures in accordance with law, if any of the parties does cooperate for early disposal of the suit.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge

s.s.satapathy

