

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

**CMP No. 883 OF 2022**

***Saraswati Swain and another* .... *Petitioners***

Mr. Samarendra Bahadur, Advocate

*-versus-*

***Madhabananda Bihari and others* .... *Opp. Parties***

**CORAM:**

**JUSTICE K.R. MOHAPATRA**

**ORDER**

**28.09.2022**

**Order No.**

2.
  1. This matter is taken up through hybrid mode.
  2. The Petitioners in this CMP pray for a direction to learned Additional District Judge (L.R), Cuttack to dispose of R.F.A. No.42 of 2015 at an early date.
  3. It is submitted by Mr. Bahadur, learned counsel for the Petitioners that assailing the judgment and decree passed by learned Civil Judge (Senior Division), Second Court, Cuttack in C.S. No.19 of 2008, R.F.A. No.42 of 2015 has been filed. At present, the appeal is pending before learned 3<sup>rd</sup> Additional District Judge, Cuttack. He further submits that the Plaintiffs have already entered appearance, the matter is ready for hearing and there is no legal impediment for early disposal of the same. It is submitted that due to pendency of the appeal, the Petitioners-Respondents are seriously prejudiced. Hence, he prays for disposal of the appeal.
  4. Since the order sheet of the appeal is not available on record, this Court is not in a position to ascertain the stage of the appeal. Although it is submitted by Mr. Bahadur, learned

counsel for the Petitioners that the matter is pending before learned 3<sup>rd</sup> Additional District Judge, Cuttack but, no documents to that effect is filed in Court. In that view of the matter, this Court is not in a position to entertain the prayer made in this CMP.

5. However, the Petitioners, if so advised, may file an application for early disposal of the appeal before learned appellate Court stating the grounds therein and in that event, learned appellate Court shall do well to consider said application and proceed with the matter accordingly, if there is no legal impediment.

6. Accordingly, this CMP is disposed of.

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

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