

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No. 893 OF 2022

Bipin Behari Sahoo ***Petitioner***
Mr. Ajit Chandra Mohapatra, Advocate
-versus-
Narayan Malik and others ***Opp. Parties***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
29.09.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. This CMP has been filed for a direction to the learned Additional Civil Judge (Senior Division), Jajpur to dispose of C.S. No.103 of 2017 at an early date.
3. It is submitted by Mr. Mohapatra, learned counsel that the Defendant No.1 in the suit is the Petitioner in this CMP. The Defendant No.1 has already filed his written statement since 21st September, 2017. Subsequently, the Plaintiffs also amended the plaint in the year, 2021. They have already filed the consolidated plaint. Referring to the order sheet of the suit annexed to the CMP as Annexure-1, Mr. Mohapatra, learned counsel for the Petitioner submits that trial Court is adjourning the matter liberally, even for the sake of office note on the consolidated plaint. Defendant No.1 is the only contesting party in the suit. Other Defendants have already entered appearance in the suit. Thus, there is no legal impediment to proceed for trial of the suit. Because of the liberal adjournments in the matter, the Defendant No.1 is highly prejudiced. Hence, this CMP has been filed.

4. Taking into consideration the submission made by learned counsel for the Petitioner and on perusal of the record, it appears that vide order dated 5th April, 2022, the suit was posted for the office note on consolidated plaint. It is submitted by learned counsel for the Petitioner that the consolidated plaint has already been filed since, 2021 and the Defendant No.1 will not file any additional written statement to the consolidated plaint.

5. Since the suit is of the year, 2017, learned trial Court should make an endeavour to proceed with the trial of the suit without granting unnecessary/long adjournments. All endeavour should be made to take up the matter on the date fixed for the purpose for which it is posted. It is further observed that parties should also cooperate with learned trial Court for trial of the suit.

6. With the aforesaid observation, the CMP is disposed of.

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

(K.R. Mohapatra)
Judge

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