

IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P. No.480 of 2021

UCO Bank

.... ***Petitioner(s)***

Mr. S.K. Mohanty,
Advocate

-versus-

Purnima Agrawal & Ors.

.... ***Opposite Party(s)***

Mr. A. Dash,
Advocate for O.P.1
Mr. S. Routray,
Mr. A. Das,
Advocates for O.P.2

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
27.04.2022**

Order No.

03. 1. This matter involves grant of injunction by the lower appellate court.
2. In course of hearing it has been brought to the notice of this Court that there is substantial progress in the suit inasmuch as there is already closure of evidence from the side of the plaintiff and not only that out of three defendants the evidence of defendant no.1 is already closed and defendant no.3 has already submitted its evidence on affidavit and the defendant no.2 is yet to open. Looking to the substantial progress in the suit, this Court is of the view that the injunction order ought to continue till disposal of the suit. However keeping in view the urgency shown by Mr. Mohanty, learned counsel for Petitioner, this Court directs the trial court, in the event the evidence of the defendant no.3 has already come on record, it may proceed for rest chief pending to be recorded and cross examination

and the suit is also directed to be disposed of within three months. It is, at this stage of the matter, it has been brought to the notice of this Court that there is another disposal of a C.M.P. permitting the trial court to undertake the exercise of Order 7 Rule 11 of C.P.C. Looking to the progress in the suit, the trial court is directed to complete the suit proceeding, irrespective of any such directions pending consideration at his end, but also involving an issue, if the suit is maintainable.

2. The C.M.P stands disposed of with the above observation and direction.

(Biswanath Rath)
Judge

