

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 912 OF 2022

Pramod Kumar Meher ***Petitioner***

Mr. R.C. Moharana, Advocate

-versus-

Smt. Chandrama @ Kamalini Meher ***Opp. Party***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
27.09.2022

Order No.

2.
 1. This matter is taken up through hybrid mode.
 2. The Petitioner in this CMP prays for the following relief:

“The petitioner therefore prays that your lordship’s would be gracious enough to consider the above facts and circumstances, admit the writ application, issue notice to the opp. Party under RULE NISI to show cause as to why the D.W. issued by the learned Civil Judge (S.D), Patnagarha vide Execution case No-8/2017 shall not be disposed of early and if the opp. Parties fails to show cause or show insufficient cause, the said rule be made absolute by issuing appropriate writ/writs as this Hon’ble court deems just and proper.

And pass any other order/orders direction/directions of this Hon’ble court deems fit and proper for the ends of justice.

And for which act of kindness the petitioner as in duty bound shall ever pray.”

3. It is submitted by Mr. Moharana, learned counsel for the Petitioner that the execution case was posted to 29th July, 2022, on which date D.W. was issued against the Petitioner. He further submits that without affording an opportunity to file

show cause, learned executing Court issued D.W. against the Petitioner. Hence, the same should be recalled.

4. Upon hearing learned counsel for the Petitioner and on perusal of the record, it appears that the prayer made in this CMP is misconceived. However, if the Petitioner is aggrieved, it is open for him to appear before learned executing Court and pray for the appropriate relief.

5. In view of the above, I am not inclined to entertain this CMP.

6. Accordingly, this CMP stands dismissed.

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

(K.R. Mohapatra)
Judge

ms

