

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 916 OF 2022

Anand Kumar Agarwal ***Petitioner***

Mr. Kalinga Keshari Mohapatra, Advocate

-versus-

Rajabala Agarwal ***Opp. Party***

**CORAM:
JUSTICE K.R. MOHAPATRA**

ORDER

13.10.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this CMP seeks to assail the order dated 28th June, 2022 (Annexure-1) passed by learned Civil Judge (Junior Division), 1st Court, Cuttack in I.A. No.1 of 2022 (arising out of C.S. No.69 of 2022), whereby an application under Order XXXIX Rule 3 C.P.C. has been rejected.
3. Mr. Mohapatra, learned counsel for the Petitioner submits that in the meantime, Opposite Party has already entered appearance and I.A. No.1 of 2022 filed under Order XXXIX Rule 3 C.P.C. is posted for hearing.
4. In view of the above, this Court disposes of the CMP with an observation that the Petitioner may pursue I.A. No.1 of 2022 before learned trial Court.

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

(K.R. Mohapatra)
Judge