

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.514 of 2021

Saffora Begum

.....

Petitioner(s)

Mr.P.K.Mishra, Advocate

- Versus-

Latif Khan & Ors.

.....

Opposite parties

*Mr.S.Das, Advocate for the
O.Ps.1 & 2.*

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
11.01.2022**

Order No.
06

1. This matter is taken up through Video Conferencing mode.
2. Heard learned counsel appearing for the parties.
3. On his own submission of Mr.Mishra, learned counsel for the petitioner, both limitation petition as well as CMA under Order 13 rule 9 of the Code of civil Procedure is still pending. Mr.Mishra, filing the CMP requests this Court to direct the trial court to first undertake the exercise involving Section 5 application before proceeding to decide the application under Order 9 rule 13 of the Code of Civil Procedure. For the opinion of this Court, any such direction can be given to trial court. When trial court is already in seisin of all these applications, the same are required to be disposed of in accordance with law.
4. With this observation, the C.M.P. stands disposed of. As a consequence, interim order dated 08.12.2021 stands vacated.
5. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout copy of

the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office order circulated vide Memo Nos.514 & 515 dated 7th January, 2022.

Sks

(BISWANATH RATH)
JUDGE

