

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.965 of 2022

Prafulla Kumar Swain

.....

Petitioner

Mr. Rama Krishna Bisoi, Advocate

-versus-

***M/s Rohitaswa Educational Trust,
Bhubaneswar and another***

....

Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

17.10.2022

Order No.

2. 1. This matter is taken up through hybrid mode.
2. 2. Petitioner in this CMP prays for a direction for early disposal of IA No.1 of 2022 filed by the Plaintiff/Opposite Party No.1 under order XXXIX Rules 1 and 2 CPC in CS No.1261 of 2022 pending before learned Civil Judge (Senior Division), Bhubaneswar.
3. 3. Mr. Bisoi, learned counsel for the Petitioner/Defendant No.2 submits that by producing an invalid document, the Plaintiff/Opposite Party No.1 has managed to get an ad interim order of injunction by resorting to the provision of Order XXXIX Rule 3 CPC. It is further submitted that in the meantime all the parties to the IA have entered appearance and filed their written statement and hence there is no legal impediment for disposal of the IA No.1 of 2022. Due to pendency of the IA, the Petitioner is seriously prejudiced.
4. 4. Taking into consideration the submission of learned counsel for the Petitioner, this Court, without expressing any opinion on merit of the case of the Petitioner, disposes of the

CMP with a direction that on production of certified copy of this order within a period of seven days hence, learned Civil Judge (Senior Division), Bhubaneswar shall do well to consider and dispose of IA No.1 of 2022 (arising out of CS No. 1261 of 2022) filed under Order XXXIX Rules 1 and 2 CPC, as expeditiously as possible, preferably within a period of one month therefrom giving opportunity of hearing to the parties concerned, if there is no legal impediment.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Judge

