

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No. 1003 OF 2022

Narendra Kumar Sahoo *Petitioner*
Mr. Aparesh Bhoi, Advocate
-versus-
Surendra Kumar Sahoo and others *Opp. Parties*

CORAM:
JUSTICE K.R. MOHAPATRA

Order No.

ORDER
04.11.2022

01. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this CMP prays for a direction for early disposal of C.S. No.153 of 2020 stated to be pending before learned Civil Judge (Senior Division), Jajpur Road.
3. Mr. Bhoi, learned counsel submits that the Petitioner is the Defendant No.1 in the suit. He has already filed his written statement since 4th March, 2021. Other Defendants have also filed their written statement and the suit is ready for hearing. The Plaintiff who seeks for partition occupies the major portion of the suit property. The Petitioner is in possession over the joint family property much less than his share. Hence, he submits that the suit should be disposed of at an early date to entitle the Petitioner to enjoy his share in the joint family property.
4. Considering the submission of learned counsel for the Petitioner and on perusal of the record, this Court is not clear

about the status of the suit. Order sheet of civil suit has not been annexed to the CMP. As such, this Court is not in a position to consider the prayer of the Petitioner for early disposal of the suit.

5. In view of the above, this CMP is disposed of with an observation that the Defendant No.1, if so advised, may file an application for early disposal of the suit before learned trial Court stating the grounds therein, when the suit becomes ready for hearing and in that event, learned trial Court may make an endeavour to consider the said application and proceed with the suit in accordance with law.

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

(K.R. Mohapatra)
Judge

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