

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**CMP No. 1004 OF 2022**

*Suratha Kumar Dhal* ..... *Petitioner*  
Mr. Bhagaban Mohanty, Advocate  
-versus-  
*Champaklata Nayak and others* ..... *Opp. Parties*

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

**Order No.**

**ORDER**  
**20.10.2022**

01.        1.        This matter is taken up through hybrid mode.
2.        The CMP has been filed for a direction to the learned District Judge, Jajpur to dispose of R.F.A. No.43 of 2019 at an early date.
3.        Mr. Mohanty, learned counsel submits that the Respondent No.1 before learned District Judge is the Petitioner in this CMP. He submits that the appeal is ready for hearing and there is no legal impediment for early disposal of the same. He also submits that notices on all the Respondents have already made sufficient. But, in spite of receipt of notices by the Respondent Nos.2 to 4, 5 (a) to 5(g) and 9, they preferred not to appear. Other Respondents have already entered appearance in the appeal. Neither the Appellant nor other Respondents are cooperating with learned appellate Court for early disposal of the appeal. Hence, this CMP has been filed.

4. Taking into consideration the submission made by learned counsel for the Petitioner and on perusal of the order sheet annexed to the CMP as at Annexure-4, this Court is not clear about the stage of the appeal. It is also not clear as to whether notices on other Respondents are made sufficient or not. In view of the above, this Court is not in a position to direct for early disposal of the appeal.

5. However, the CMP is disposed of with an observation that after the appeal becomes ready for hearing, the Petitioner is at liberty to file an application for early disposal of R.F.A. No.43 of 2019 stating the grounds therein and in that event learned appellate Court may consider the said application for early hearing and proceed with the matter in accordance with law.

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

**(K.R. Mohapatra)**  
**Judge**