

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP NO.586 OF 2021

Sukanti Sahoo

....

Petitioner

Mr.D.P.Mohanty, Adv.

-versus-

Cuttack Development Authority

....

Opposite Party

Mr.D.Mohapatra, Adv.

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
12.1.2022**

**Order
No.**

05.

1. This matter is taken up through video conference mode.
2. Heard learned counsel for the Parties.
3. Considering the grounds raised in the Application, the submission advanced here and on perusal of the impugned order, this Court finds, there is concurrent finding of fact on injunction issue. For the concurrent finding of fact by two courts, this Court is not inclined to interfere with such order. However, considering the suit is pending since 2020 and the request of the learned counsel for the Petitioner that the suit should be tried along with another suit pending involving the same Party, this Court while declining to entertain the CMP simply observes, in the event any endeavor is

made by the Petitioner herein for analogous hearing or trial of both the suits upon an Application being filed in appropriate court, the same shall be decided in accordance with law but after providing opportunity to the Parties on contest.

4. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the Parties may utilize a printout 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, modified by Notice No.4798 dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

M.K.Rout

(Biswanath Rath)
Judge

