

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP NO. 1073 OF 2022

Kokila Parida

....

Petitioner

Mr. A.K. Patra, Advocate

-versus-

Tila Patra @ Das and others

....

Opp. Parties

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

14.11.2022

Order No.

3. 1. This matter is taken up through hybrid mode.
2. This CMP has been filed seeking for a direction for early disposal of C.S. No.90 of 2012 pending before learned Civil Judge (Junior Division), Pattamundai.
3. Mr. Patra, learned counsel for the Petitioner submits that the Defendant No.1 is the Petitioner in this CMP. The suit was decreed ex parte against the Defendants and subsequently, vide order dated 3rd January, 2020 passed in CMA No. 62 of 2016, the suit was restored to file. After restoration, learned trial Court has not made any endeavour for early disposal of the suit. Due to pendency of the suit, the Defendant No.1-Petitioner is highly prejudiced. Hence, this CMP has been filed for the aforesaid relief.
4. Taking into consideration the submission of learned counsel for the Petitioner and on perusal of the record, this Court is not clear about the stage of the suit and that the suit is ready for hearing without any legal impediment for its disposal.

5. In view of the above, this Court is not in a position to entertain the prayer made in this CMP.

6. Accordingly, this CMP is disposed of with an observation that the Petitioner is at liberty to move learned trial Court by filing an application stating the grounds therein for early disposal of the suit, after the suit becomes ready for hearing and in that event, learned trial Court shall do well to consider such application for early disposal of the suit in accordance with law, giving opportunity of hearing to the parties concerned and proceed with the matter accordingly.

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

(K.R. Mohapatra)
Judge

bks

