

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP NO.625 OF 2021

Purusottam Sahu

....

Petitioner

Mr.S.Mishra, Adv.

-versus-

Dindayal Sindhi @ Dindayal Narayani
@ Narayani & anr.

Opposite Parties

None

CORAM:
JUSTICE BISWANATH RATH

ORDER
5.1.2022

Order No.

02. 1. This case has a checkered career. Title Suit No.1 of 1993 being decided in favour of the Defendant, the present Petitioner, the matter came up in R.F.A. No.1/19/4 of 2002-06, which stood dismissed. R.S.A. No.147 of 2008, which came thereafter, was ultimately dismissed by this Court on 21.08.2008. The litigation again landed in SLP No.6266/2019 before the Hon'ble Supreme Court, which came to be dismissed on 7.7.2020 but however with a direction to the Executing Court to determine the damage to be levied on the present O.Ps. for occupation of the premises from the date of decree till the date of eviction. Litigation is protracted and parties are litigating since then. It appears, the litigation involved continued for over four decades and finally the Executing Authority

assessed the damages in terms of the direction of the Hon'ble Supreme Court by computing the assessment as determined therein. There is no dispute by the learned counsel for the Petitioner that the house involved is vacated long since and the present dispute involves only quantum aspect.

2. Heard the submission of the learned counsel for the Petitioner on the Owner remaining dissatisfied by the quantum assessed by the Executing Court. For the litigation already spending forty years and ultimately settled by way of execution completed on the direction of the Hon'ble Supreme Court to the Executing Court and settled, little difference in the matter of computation leaving no scope for interference. As a consequence, this Court is not inclined for continuance of the litigation of this nature any further.

3. The CMP thus stands dismissed.

(Biswanath Rath)
Judge

M.K.Rout