

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP NO.1128 OF 2022

Pankajini Padhi

.... *Petitioner*

Mr. Jajati Keshari Khuntia, Advocate

-versus-

Mamata Das

.... *Opp. Party*

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

18.11.2022

Order No.

1. This matter is taken up through hybrid mode.
2. This CMP has been filed seeking for a direction to the learned Civil Judge (Senior Division), Sambalpur to dispose of C.S. No.105 of 2013 at an early date.
3. Mr. Khuntia, learned counsel for the Petitioner submits that the suit has been filed by the Petitioner for eviction of Defendant-Opposite Party. The Defendant-Opposite Party was once set *ex parte*. After the order setting her *ex parte* was set aside, she is taking adjournment and is not cooperating with learned trial Court for early disposal of the suit. During pendency of the suit, the Petitioner is seriously prejudiced and is not in a position to enjoy her property. It is his submission that evidence from both sides has already been closed and the suit is posted for argument. He, therefore, submits that there is no legal impediment for early disposal of the suit.
4. On perusal of the order sheet more particularly the order dated 22nd October, 2022 of the suit, it appears that the suit was

last posted to 27th February, 2022 for further evidence on behalf of Defendant. Thus, this Court is not in a position to entertain the prayer made by learned counsel for the petitioner.

5. It is, however, directed that learned trial Court shall make an endeavour for early disposal of the suit without granting unnecessary adjournment. Parties are directed to cooperate with learned trial Court for early disposal of the suit.

6. With the aforesaid observation and direction, the CMP is disposed of.

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

(K.R. Mohapatra)
Judge

bks

