

IN THE HIGH COURT OF ORISSA AT CUTTACK
C.M.P. No.649 of 2021

Manorama Bhoi

....

Petitioner(s)

Mr.S.S.Jena. Advocate

-versus-

*Sri Sri Lord Lingaraj Mahaprabhu
Bije & Ors.*

....

Opposite Party(s)

CORAM:
JUSTICE BISWANATH RATH

ORDER
10.02.2022

Order No.

2.

1. Heard the submission of Mr.Jena, learned counsel appearing for the petitioner. This C.M.P. involves rejection of an application under Order 39, Rule 3 of the Code of Civil Procedure. For the consistent view of this Court, this Court is not inclined to entertain such application. However, considering there is urgency in taking up the application under Order 39, Rule 1 and 2 of the Code of Civil Procedure bearing I.A.No. 1 of 2021 pending since 2021 and recording the submission of Mr.Jena, learned counsel for the petitioner that in the meantime though some of the opposite parties to the I.A. have already appeared but some of the contesting opposite parties are yet to appear, this Court permits the petitioner to take out notice on the non-appearing contesting opposite parties on the I.A. by way of special messenger by making an application and making the cost to be deposited at least in a week. In the event of such applicant is filed, the application shall be allowed and cost, as required for special messenger notice to the contesting opposite parties yet to appear, will be accepted. Special Messenger notice will be issued in the matter of I.A.No.1 of 2021 by the trial court on such parties fixing a short returnable date and all such steps shall be taken by the trial court at least to complete the hearing of I.A. No.1 of 2021 within a period of one month thereafter.

2. With this observation and direction, the C.M.P, stands disposed of.

(Biswanath Rath)
Judge

Sks

