

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP NO. 1146 OF 2022

Chhotrai Majhi and others* *Petitioners

Mr. S.S.K. Nayak, Advocate

-versus-

Suren Munda and others* *Opp. Parties

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
13.12.2022**

Order No.

2.
 1. This matter is taken up through hybrid mode.
 2. The Petitioners being aggrieved by the order dated 20th October, 2022 passed by learned Additional District Judge, Rairangpur in R.F.A. No.04 of 2018 rejecting an application for stay of the judgment and decree passed in C.S. No. 117 of 2016 have filed this CMP.
 3. Mr. Nayak, learned counsel for the Petitioners submits that in the meantime, an application for execution of the decree of eviction passed in C.S. No. 117 of 2016 has been filed in Execution Case No.10 of 2018, which is pending before learned Civil Judge (Senior Division), Rairangpur. In that view of the matter, the proper course would be to file an application under Order XLI Rule 5 C.P.C. for stay of further proceeding of the execution proceeding. He, however, prays for withdrawal of CMP to avail the remedy under Order XLI Rule 5 C.P.C.

4. In view of such submission, this CMP is disposed of as withdrawn.

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

(K.R. Mohapatra)
Judge

bks

