

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP NO.674 OF 2021

Kumudini Das

....

Petitioner

Mr.S.K.Nayak, Adv.

-versus-

Pradeep Kumar Lenka & ors.

....

Opposite Parties

None

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
12.1.2022**

**Order
No.**

03.

1. This matter is taken up through video conference mode.
2. Heard learned counsel for the Petitioner.
3. Undisputedly, the suit involves here is simply for injunction whereas the Consolidation Proceeding at Appeal stage is a matter involving right, title and interest between the Parties though involving the very same property. For the opinion of this Court, the injunction issues can be decided without entering into right, title and interest but however on the note of possession of the Parties, which order ultimately ought to be bound by the decision of the Consolidation Authority, which is taking up the right, title and interest issue. It is in this view of the matter, this Court finds, there is no illegality and/or infirmity in the impugned order requiring to be interfered with. The Petitioner if so advised may attempt for expeditious disposal of the Appeal involving the question of right, title and interest between the Parties.

4. With the above order, the CMP stands disposed of.
5. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the Parties may utilize a printout of the order available in the High Court's Website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020, modified by Notice No.4798 dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

M.K.Rout

