

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.730 of 2021

Annapurna @ Menaka Barik ***Petitioner***
Mr.Lingaraj Sarangi, Advocate

-versus-

Bansidhar Barik & others ***Opp. Parties***

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

19.01.2022

Order No.

1. This matter is taken up through Video Conferencing mode.
2. The present CMP application has been filed by the petitioner with a limited prayer to target the C.S.No.1540 of 2012 pending in the Court of the learned Civil Judge (Senior Division), Bhubaneswar.
3. It is submitted by the learned counsel for the Petitioner that in the meantime the suit has been transferred to the Court of the learned 1st Additional Civil Judge (Senior Division), Bhubaneswar. He further submits that he has also filed I.A.No.42 of 2014 for appointment of a third party receiver in respect of the suit schedule properties. It is submitted that the same is still pending till date.
4. So far as the first part of the prayer is concerned i.e., for a direction to the learned 1st Additional Civil Judge (Senior Division), Bhubaneswar to dispose of the suit within a stipulated period of time, this Court is not inclined to issue any direction targeting the suit in view of the fact that the Civil Courts at Bhubaneswar are heavily burdened with civil litigations and some of them are year old litigations. The Petitioner has failed to show any justification as to

why she should be allowed to jump the queue.

5. With regard to the pending I.A.No.42 of 2014, this Court directs the learned 1st Additional Civil Judge (Senior Division), Bhubaneswar to consider the same in accordance with law after giving opportunity of hearing to all the parties and shall dispose of the same within a period of three months from the date of production of an authenticated copy of this order. Further, in the interest of justice, the Court below shall make all endeavour to dispose of the pending suit as expeditiously as possible.

7. With the aforesaid observation, the CMP stands disposed of.

8. As the restrictions due to resurgence of COVID -19 situation are continuing, learned counsel for the parties may utilize a print out 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 Court's Notice No.4798, dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

RKS

(*A.K. Mohapatra*)
Judge