

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP NO. 1253 OF 2022

Pabitra Setha and others ***Petitioners***
Mr. Bidyadhar Pradhan, Advocate
-versus-
Pratima Setha @ Gadanayak ***Opp. Party***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
13.12.2022

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), Angul to dispose of I.A. No.94 of 2021 filed under Order XXXIX Rules 1 and 2 C.P.C. (arising out of C.S. No. 266 of 2021) and in alternative, to permit the Petitioners to alienate their share in the property in question.
3. Mr. Pradhan, learned counsel for the Petitioners submits that I.A. No.94 of 2021 is ready for hearing and there is no legal impediment for early disposal of the same. For some reason or other, the matter is being delayed. In that view of the matter, the Petitioners are seriously prejudiced.
4. On perusal of the order sheet of I.A. No.94 of 2021, it appears that all the Opposite Parties to the said I.A. have already entered appearance. Hence, learned trial Court should make an endeavour for early disposal of I.A. No. 94 of 2021 keeping in

mind that the petition has been filed under Order XXXIX Rules 1 and 2 C.P.C.

5. Mr. Pradhan, learned counsel for the Petitioners also submits that due to continuance of ad-interim order of status quo, the Petitioners are seriously prejudiced.

6. In view of the above, this Court without expressing any opinion on the merits of the case of the Petitioners in I.A. No. 94 of 2021 disposes of this CMP with a direction to the learned Civil Judge (Senior Division), Angul to consider and dispose of I.A. No. 94 of 2021 at an early date, giving opportunity of hearing to the parties concerned, if there is no legal impediment.

7. It is made clear that learned trial Court should take care not to grant unnecessary adjournment in the matter.

8. Parties are also directed to cooperate with learned trial Court for early disposal of I.A. No. 94 of 2021.

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

(K.R. Mohapatra)
Judge

bks