

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.756 of 2021

Bharat Singh and others

....

Petitioners

Mr. R.N.Dasmohapatra, Advocate

-versus-

Smt. Khetramani Dei @ Singh

....

Opposite Parties

Mr. A.K. Sharma, AGA for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

19.01.2022

Order No.

01. 1. This matter is taken up through Video Conferencing mode.
2. The only apprehension expressed by the Petitioner in this CMP petition is that by filing an application to call for the record in C.S. No.119 of 2016 at the instance of the plaintiff from the court of learned Civil Judge (Senior Division), IInd Court, Cuttack, the plaintiff wants to cause delay in disposal of the suit. Accordingly, learned counsel for the Petitioner assails the order dated 06.11.2021 calling for the records in C.S. No.119 of 2016.
3. Learned counsel for the Petitioner submits that the court below has committed an illegality and adopted an unusual practice in calling for the records at the fag end of the trial. Such a contention of the learned counsel for the Petitioner is not accepted by this Court, inasmuch as the court below has exercised its discretion in calling for the record. Further, learned counsel for the Petitioner expresses his apprehension by adopting such procedure, the plaintiff wants to delay in disposal of the suit.

4. In such view of the matter, this Court is of the view that such apprehension of the Petitioner can be taken care of by issuing a direction to the court below to dispose of the suit, preferably within a period of six weeks.

5. This Court accordingly disposes of the CMP petition with a direction to the learned Civil Judge (Senior Division), IInd Court, Cuttack to dispose of C.S. No.1112 of 2016 within a period of six weeks from the date of production of an authenticated copy of this order by the Petitioner, provided the hearing of the suit has been concluded in the meantime.

6. With the aforesaid direction, the CMP stands disposed of.

7. 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.

(A.K. Mohapatra)
Judge