

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.757 of 2021

Baikuntha Sahoo ***Petitioner***
Mr. Ashok Kumar Sahoo and Mr. S. Mishra, Advocates

-versus-

Parsuram Sahoo and another ***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. Being aggrieved by the order dated 02.11.2021 passed by the learned Senior Civil Judge, Pattamundai in I.A. No.332 of 2021, arising out of C.S. No.342 of 2021, the Petitioner has approached this Hon'ble Court by filing the CMP application.
3. Heard Mr.S. Mishra, learned counsel for the Petitioner and Mr.A.K. Sharma, learned Additional Government Advocate for the State.
4. It is submitted by Mr.Mishra, learned counsel for the Petitioner that by order dated 02.11.2021, the court below while issuing notice in the Interlocutory Application has granted interim order directing the parties to maintain status quo over the suit property till the appearance of the opposite parties. On 02.12.2021, learned counsel for the Petitioner filed a Petition seeking extension of the status quo order. Although Opposite Parties had entered their appearance on that date through their lawyer and filed a petition

thereby seeking permission of the court below to file objection on the abovementioned I.A., the court below vide order no.4, dated 02.12.2021 while granting time to the counsel for the Opposite Parties rejected the Petitioner's application for extension of status quo order.

5. Mr. Mishra, learned counsel for the Petitioner further submits that the order passed by the court below dated 02.12.2022 granting status quo order should have been extended while granting time to the Opposite Parties to file their objection. It is also submitted that the Petitioner was ready for hearing, however the counsel for the Opposite Parties sought for time to file objection.

6. Considering the aforesaid facts, this Court feels it appropriate that the status quo order dated 02.12.2021 should have been extended till the injunction application is finally decided by the court below.

7. In such view of the matter and in the larger interest of justice, learned court below is directed to hear I.A. No.332 of 2021 and disposed of the same within a period of one month from the date of production of an authenticated copy of this order. Till such application is finally decided after hearing both the sides, the parties are directed to maintain status quo as on date over the suit property. However, it is made clear that this Court has not expressed any opinion on the merits of the case. This Court further observes that since the matter is being disposed of at the stage of admission without issuing notice to the opposite parties, it is open for the opposite parties to seek for variation and/or modification of the order in the event they feel aggrieved by the order of this Court.

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

9. 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

U.K.Sahoo

