

IN THE HIGH COURT OF ORISSA AT CUTTACK
C.M.P. No.788 of 2021

Vikash Kumar Saha & Anr.

....

Petitioner(s)

Mr.S.Ray,
Advocate

-versus-

Sunil Kumar Saha & Ors.

....

Opposite Party(s)

Mr. P.Acharya,
Senior Advocate

CORAM:
JUSTICE BISWANATH RATH

ORDER
23.03.2022

Order No.

06.

1. Heard learned counsel for the parties.
2. Looking to the background involving the order passed by the S.D.M. involving the proceeding under Section 133 of Cr.P.C. got confirmed that in the disposal of SLP Criminal Diary No.19944 of 2021 and keeping in view the order of this Court dated 23.03.2022 passed in W.P.(C) No.41172 of 2021, this Court finds, there is no scope for interfering in the order at Annexure-13 impugned herein. In the process, this Court while declining to entertain the C.M.P. simply observes dispute relating to the right, title and interest of the Parties not only has anything to do with the pending suit but any such claim shall ultimately be abided by the outcome in R.F.A. No. 16 of 2018. It is at this stage of the matter, keeping in view the request of Mr. Ray, learned counsel for the petitioners, this Court simply directs the trial Court for expediting the hearing of the R.F.A. No. 16 of 2018 and disposing of the same preferably within a period of nine months.

3. It is at this stage, considering the civil dispute pending between the parties by way of R.F.A. No 16 of 2018, this Court clarifies, the pendency since involving the determination of right, title and interest shall not come on the way of the execution of the order involving the application Under Section 133 (1) (d) of Cr.P.C.
4. Accordingly the C.M.P. Stands disposed of.

(Biswanath Rath)
Judge

S.P. Dash

