

IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P. No.791 of 2021

Raj Kishore Singh Ors.

....

Petitioner(s)

Mr.S.K.Sahoo, Advocate

-versus-

Dhirendra Choudhury

....

Opposite Party(s)

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
03.01.2022**

Order No.

1.

1. Heard learned counsel appearing for the petitioner.

2. This C.M.P. involves a challenge to the order of status quo passed by the Lower Appellate Authority on entertainment of an appeal against rejection of an application under Order 39, Rule 1 and 2 of the Code of Civil Procedure. Considering the nature of appeal, the same can be disposed of on the appearance of the respondent and as this Court records the submission of learned counsel that there is already appearance of respondent in the appeal proceeding, in the interest of justice while maintaining status quo order to be maintained by both the sides, this Court directs the Lower Appellate Court to dispose of the appeal at least within a period of one month from the date of production of certified copy of this order. Respondent undertakes to participate in the hearing of the appeal and will not seek for adjournment. Considering L.C.R. is required to be produced in the Lower Appellate

Court and available in the same court premises, the 3rd Additional District Judge, Cuttack i.e. Appellate Authority shall ensure production of the L.C.R. positively by next date.

3. With this observation and direction, the CMP stands disposed of.

(Biswanath Rath)
Judge

Sks

