

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP NO. 794 OF 2021

Narayan Karmi *Petitioner*
Mr. S. Sourav, Advocate
-versus-
State of Odisha and others *Opp. Parties*
Mr. Suvashish Pattanaik,
Additional Government Advocate

CORAM:
JUSTICE K.R. MOHAPATRA

Order No.

ORDER
22.08.2022

I.A. No. 773 of 2022

3. 1. This matter is taken up through hybrid mode.
2. This I.A. has been filed for stay of auction pursuant to the notice dated 5th July, 2022 annexed to the I.A. as Annexure-A/1.
3. It is submitted by Mr. Sourav, learned counsel for the Petitioner that no one has participated in the said auction pursuant to the notice dated 5th July, 2022 (Annexure-A/1). Hence, the I.A. has become infructuous.
4. In view of such submission, the I.A. is disposed of as infructuous.

(K.R. Mohapatra)
Judge

CMP NO. 794 OF 2021

4. 1. This CMP has been filed assailing the order dated 30th September, 2021 passed by learned 2nd Additional District Judge, Bolangir in FAO No. 11/13 of 2012-17, whereby he

dismissed the appeal filed under Order XLIII Rule 1(r) C.P.C. The said FAO arose out of the order dated 17th September, 2012 passed by learned Civil Judge (Senior Division), Bolangir in I.A. No. 51 of 2012 (arising out of C.S. No.147 of 2007) filed under Order XXXIX Rules 1 and 2 C.P.C. with a prayer to restrain the Defendant No.3-Opposite Party No.3 including State functionaries from proceeding with the auction of suit sairat.

2. Since the subsequent auction notice has already been issued pursuant to the order dated 5th July, 2022, the auction notice in question in I.A. No.51 of 2012 has become infructuous. Hence, this CMP which arises out of the order passed in the said I.A. has become infructuous.

3. Accordingly, this CMP is disposed of with an observation that learned trial Court should make an endeavour for early disposal of C.S. No.147 of 2007, if there is no legal impediment. Parties are directed to cooperate with learned trial Court for early disposal of the suit. The Petitioner, if so advised, may move learned trial Court for any interim protection, if fresh cause of action arises.

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

(K.R. Mohapatra)
Judge

bks