IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.137 of 2018

CNR No.ODHC010124992018

Piyush Hasmukhal Desai .... ***Petitioner***

None

-versus-

Laxmi Builders and Development (P) Ltd. and others .... ***Opp. Parties***

None

CORAM:
JUSTICE MRUGANKA SEKHAR SAHOO

ORDER

25.11.2026

(*Hybrid Mode*)

Order No.

09. **1**. The matter is prioritized and listed at the top of the list under the heading 'Stayed Matters'.

2. The petition was presented before this Court on 30.01.2018. By interim order dated 12.03.2018 in Misc. Case no.151 of 2018, the order dated 25.10.2017 passed by the learned Additional Civil Judge (Senior Division), Puri under Annexure-1 was directed to be stayed by the coordinate Bench.

On 18.07.2018, none had appeared for the petitioner. As the notices were returned unserved, the Registrar (Judicial) before whom the matter was listed directed for taking steps afresh for issuance of notice. On 17.04.2026 none had appeared for the petitioner though inadvertently name of another counsel who is

not on record for the petitioner has been typed. The order passed by the coordinate Bench indicates that none appeared for the petitioner.

3. Again on 23.09.2026 the matter was listed before this Bench and the following order was passed:

> "1. The matter is prioritised and listed under the heading 'Stayed Matters'.
> 2. None appears for the parties when the matter is called.
> 3. The CMP was filed in the year 2018 challenging the order dated 25.10.2017 passed by the Additional Civil Judge (Sr. Division), Puri in C.S. No.72 of 2008. By the said order the learned Judge dismissed the application seeking withdrawal of the Suit.
> 4. Registry shall obtain instructions regarding the present status of C.S. No.72 of 2008 from the Additional Civil Judge (Sr. Division), Puri/Court in seisin and place the same on record.
> 5. The matter shall be listed under the same heading on 30th September, 2026."

4. The learned 2nd Additional Civil Judge (Senior Division), Puri by letter no.388 dated 28.09.2026 has intimated the present status pursuant to the order dated 23.09.2026. The relevant portion of the report which requires consideration by this Court is reproduced herein:

> "... it is found that this court had stayed further proceedings of the case in obedience to the direction issued by the Hon'ble Court of Orissa in M.C. No.141 of 2018 arising out of C.M.P. No.137 of 2018 vide Order No.4 dated-12.03.2018. However, on 08.03.2019, this court proceeded with the case as per the decision of the Hon'ble

Apex Court in **Asian Resurfacing of Road Agency Pvt. Ltd. Vrs. C.B.I. 2018 (16) SCC 299** and the record was posted for evidence from the side of the plaintiff. In the meanwhile, interim petitions have been filed and disposed of and the record was posted for evidence from the side of plaintiff. However, on 07.04.2025 this court stayed further proceedings of the case in obedience to the directions issued by the Hon'ble Apex Court of India in the case of **High Court Bar Association Allahabad V. State of Uttar Pradesh decided on 29.02.2024** and recalled its order dated 08.03.2019 in view of overruling of the **Asian Resurfacing of Road Agency Pvt. Ltd. Vrs. C.B.I. 2018 (16) SCC 299**. The record currenty stands posted to 03.10.2026, awaiting intimation from the Hon'ble Court."

5. Apparently, due to the direction of the Hon'ble Supreme Court in **Asian Resurfacing of Road Agency Pvt. Ltd. Vrs. C.B.I. 2018 (16) SCC 299**, the effect of the interim order passed by this Court was varied, the matter has proceeded further. With effect from 18.07.2018 till date none has appeared for the petitioner when the matter is listed before this Court and is taken up on as many as five occasions.

6. The petitioner has apparently lost interest in prosecuting the matter though he is represented through the learned counsel on record.

7. The petition is accordingly disposed of for non-prosecution.

8. Since the learned Civil Judge (Senior Division) has proceeded in the matter pursuant to the order of

the Hon'ble Apex Court, the interim order dated 12.03.2018 is vacated. The learned court shall proceed in the matter in accordance with law.

9. Since Civil Suit No.72 of 2008 is now 18 years old learned 2nd Additional Civil Judge (Senior Division), Puri shall proceed to dispose of the same as expeditiously as possible without granting any unnecessary adjournments. The parties to the suit are directed to cooperate with the court in taking up of the matter, they shall not seek any unnecessary adjournment.

10. Copy of this order shall be forwarded to the learned 2nd Additional Civil Judge (Senior Division), Puri by the Registry to be kept in the records of C.S. No.72 of 2008.

(Mruganka Sekhar Sahoo)
Judge

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Signature Not Verified
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Signed by: JYOSTNARANI MAJHEE
Reason: Authentication
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