

(2022) 08 OHC CK 0147
In the Orissa High Court
Case No : CMP NO. 1454 Of 2016

Braja Kishore Deb And Others

APPELLANT

Vs

Sangeeta Devi And Another

RESPONDENT

Date of Decision : 22-08-2022

Acts Referred:

Code of Civil Procedure, 1908 — Order 39 Rule 1, Order 39 Rule 2

Citation : (2022) 08 OHC CK 0147

Hon'ble Judges : K.R. Mohapatra, J

Bench : Single Bench

Advocate : Ashok Mohanty, A.K. Mishra

Final Decision : Disposed Of

Judgement

K.R. Mohapatra, J

- 1.This matter is taken up through hybrid mode.
2. Although this matter is listed for orders for extension of the interim order, on consent of learned counsel for the parties, the CMP is taken up for final disposal.
3. This CMP has been filed assailing the order dated 9th September, 2016 (Annexure-8) passed by learned Civil Judge (Senior Division), Puri in I.A. No.273 of 2013 (arising out of C.S. No. 472 of 2013), whereby he rejected an application filed by Defendant No.1 to cross-examine the deponents of the affidavit filed on behalf of the Plaintiffs in the said I.A..
4. This Court while issuing notice in the matter vide order dated 27th September, 2016 in Misc. Case No.1523 of 2016 has directed that there shall be stay operation of the order dated 9th September, 2016 passed by learned Civil Judge (Senior Division), Puri in I.A. No.273 of 2013 vide Annexure-8 till the next date.
5. It is submitted by learned counsel for the parties that the said interim order is continuing till date.

6. Taking into consideration that the I.A. was filed in the year, 2013 under Order XXXIX Rules 1 and 2 C.P.C. and in the meantime, more than eight years have elapsed, this Court is of the considered opinion that no fruitful purpose will be served in proceeding with the said I.A., which is disposed of accordingly. It is, however, observed that if any cause of action still survives, parties will be at liberty to file fresh application under Order XXXIX Rules 1 and 2 C.P.C., which may be considered in accordance with law.

7. With the aforesaid observation, the CMP is disposed of.

8. The interim order dated 27th September, 2016 passed in Misc. Case No.1523 of 29016 stands vacated.

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

.....