

(2021) 07 OHC CK 0105
In the Orissa High Court
Case No : CMP NO. 41 Of 2021

Parbati Moharana And Another

APPELLANT

Vs

Chandrasekhar Moharana @ Sikhar And Others

RESPONDENT

Date of Decision : 14-07-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 144(1), 144(2)

Citation : (2021) 07 OHC CK 0105

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

Bench : Single Bench

Judgement

K.R. Mohapatra, J

1. This matter is taken up through video conferencing mode.
2. None appears for the Petitioners at the time of call.
3. This CMP has been filed with a prayer to direct the learned Civil Judge (Senior Division), 1st Court, Cuttack to dispose of C.S. (I) No. 741 of 2019 pending before him within a stipulated time.
4. From the averments made in the CMP and the documents annexed thereto, it appears that the aforesaid civil suit has been filed for a declaration that RSD No. 5142 dated 5th November, 1984 is illegal, invalid and not binding on the plaintiffs, to declare the mutation R.O.R. issued in the name of Opposite Party Nos. 3 to 6 in respect of the suit land as illegal, invalid and inoperative and for permanent injunction and in the alternative, the Plaintiffs have prayed for recovery of possession of the suit land, if they found to have been dispossessed from the suit land during pendency of the suit along with other consequential relief.
5. Although the Opposite Party Nos. 3 to 6, who have been arrayed as

Defendants in the suit and have already appeared, they without cooperating the Court for early disposal of the suit are filing different proceedings in different forums including the proceeding under Section 144(1) and (2) Cr.P.C. in

Crl. Misc. Case No. 20 of 2020 before the ADCP-cum-Executive Magistrate, U.P.D., Cuttack. Thus, they are making attempt to linger the

proceedings and to harass the Plaintiffs-Petitioners. In that view of the matter, the Petitioners have filed this CMP for the aforesaid relief.

6. From the averments made in the writ petition, there appears no exigency for such direction.

7. However, this CMP is disposed of with an observation that parties should cooperate with the trial court for early disposal of the suit and the

Plaintiffs-Petitioners, if so advised, may move for interim relief by filing necessary application before the trial court for protection of their right during pendency of the suit.

8. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order

available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide

Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021.

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