

(2022) 05 OHC CK 0058
In the Orissa High Court
Case No : CMP No. 351 Of 2022

Saraswati Pradhan

APPELLANT

Vs

Dhuruba Charan Pradhan And Another

RESPONDENT

Date of Decision : 09-05-2022

Acts Referred:

Code of Civil Procedure, 1908 — Order 39 Rule 3

Citation : (2022) 05 OHC CK 0058

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

Bench : Single Bench

Advocate : Niranjan Panda

Final Decision : Disposed Of

Judgement

K.R. Mohapatra, J

1. This matter is taken up through hybrid mode.
2. The Petitioner in this CMP seeks to assail the order dated 15th September, 2021 passed by learned Civil Judge (Senior Division), Balasore in I.A. No.353/443 of 2021 (arising out of C.S. No.979 of 2021), whereby learned Trial Court directed the parties to the I.A. to maintain status quo in respect of Plot No.1468 to an extent of Ac.0.004 decimals under RMC Khata No.307 situated in mouza Maharudrapur in the district of Balasore.
3. In course of hearing, Mr. Panda, learned counsel for the Petitioner submits that since the impugned order was passed by entertaining an application under Order 39 Rule 3 C.P.C., he has remedy before learned Trial Court for variation of the impugned order. He, therefore, prays for withdrawal of the writ petition to move the learned Trial Court for appropriate relief.
4. Taking into consideration the submission made by learned counsel for the Petitioner, this CMP is accordingly disposed of as withdrawn.

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

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