
(2022) 11 OHC CK 0254
In the Orissa High Court
Case No : CMP No. 1032 Of 2022

Umesh Chandra Pattnaik

APPELLANT

Vs

Trilochan Raiguru And Others

RESPONDENT

Date of Decision : 30-11-2022

Acts Referred:

Citation : (2022) 11 OHC CK 0254

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

Bench : Single Bench

Advocate : Amit Prasad Bose

Final Decision : Disposed Of

Judgement

K.R. Mohapatra, J

1. This matter is taken up through hybrid mode.
2. The CMP has been filed for a direction to learned Additional Civil Judge (Junior Division), Khandapada to dispose of C.S. No.128 of 2011 an early date.
3. Mr. Bose, learned counsel submits that the Petitioner is the Defendant No.1 in the civil suit. Initially the Opposite Parties filed C.S. No.1 of 2005 before learned Civil Judge (Senior Division), Nayagarh for declaration of right, title, interest and confirmation of possession as well as for permanent injunction. The said suit was transferred to the Court of learned Additional Civil Judge (Junior Division), Khandapada and has been re-numbered as C.S. No.128 of 2011.
4. It is submitted that the suit is ready for hearing. But, due to non-cooperation of the Plaintiffs, although the Survey Knowing Commissioner has been examined as a witness, but the evidence of the Plaintiffs could not be recorded as yet. There is no legal impediment for early disposal of the suit. The Defendant No.1-Petitioner is a senior citizen of seventy-one years old and due to lingering of the proceeding, he is seriously prejudiced. Hence, this CMP has been filed.

5. Submission made by learned counsel for the Petitioner does not make the stage of the suit clear. However, it is submitted by Mr. Bose, learned counsel for the Petitioner that there is no legal impediment for early disposal of the suit.

6. In view of the above, this CMP is disposed of with an observation that learned Additional Civil Judge (Junior Division), Khandapada shall make an endeavour for early disposal of the suit keeping in mind that the suit is of the year, 2005, if there is no legal impediment. Parties are also directed to cooperate with learned trial Court for early disposal of the suit.

7. Needless to mention here that learned trial Court is at liberty to take coercive measure in accordance with law against the parties, if he/she does not cooperate with for early disposal of the suit.

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

.....