



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.616 of 2025

Nalinikanta Swain **Petitioner**
Mr. S.Mishra, Advocate

-Versus-

Bibhuti Bhusan Bastia & Others **Opposite Parties**
None

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
30.04.2025

Order No.
01.

1. Heard Mr. Mishra, learned counsel for the petitioner.
2. No notices are issued to the opposite parties as the matter is disposed of at the stage of admission.
3. Instant petition is filed by the petitioner challenging the impugned order as at Annexure-6 passed in connection with I.A. No. 491 of 2024 by learned Civil Judge (Senior Division), Kendrapara arising out of C.S. No. 657 of 2024 on the grounds stated.
4. Mr. Mishra, learned counsel for the petitioner submits that I.A. No. 491 of 2024 is fixed to 1st May, 2025 for orders. It is submitted that an application under Order 39 Rule 3 CPC was not considered and it was followed by the order dated 4th April, 2025 in CMP No. 494 of 2024, wherein, a direction was issued to dispose of the I.A. as expeditiously as possible. It is claimed that



despite such an order, I.A. is pending as on date. The submission is that notice was directed to be served on opposite party No.1 through a Special Messenger and in case, the same is so served, learned court below should be directed to dispose of the I.A. on the date fixed. The Court is of the view that in the event, the I.A. is not disposed of by tomorrow due to non-appearance of the opposite party, learned court below should be directed to dispose it of within next seven days positively without further delay as the same would serve the purpose and meet the ends of justice in view of the plea and claim of the petitioner that the subject matter in suit is likely to be disposed of with the creation of a third party interest over the same.

5. Accordingly, it is ordered.

6. In the result, the CMP stands disposed of with the direction as aforesaid to be complied with by learned Civil Judge (Senior Division), Kendrapara ensuring early disposal of I.A. No. 491 of 2024 either on the date fixed or within the time stipulated.

7. Urgent copy of this order be issued as per the rules and in course of the day and also to be uploaded in the Court's Website.

(R.K. Pattanaik)
Judge