



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.396 of 2026

Namita Behera

.....

Petitioner

Represented by Adv. -
Subash Chandra
Puspalaka

-versus-

Saraswati Behera

.....

Opposite Party

Represented by Adv. -

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
23.03.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner. Perused the CMP application as well as the prayer made therein.
3. By filing the present CMP application the Defendant in C.S. No.1 of 2006 has approached this Court for a direction to the learned Civil Judge, Senior Division, First Court, Cuttack for early disposal of CMA No.58 of 2020 which has been filed at the instance of the Petitioner under Order 9 Rule 13 of the CPC to set aside and ex-parte judgment and decree.
4. Learned counsel for the Defendant-Petitioner at this juncture contended that the suit was dismissed as against the present Defendant due to non-prosecution. He further contended that the Defendant has made out a good ground and accordingly, moved an application to setting aside of the ex-parte judgment and



decree. He further submitted that although the application was filed in the year 2020, however the same is still pending for adjudication.

5. Taking into consideration the submission made by the learned counsel for the Petitioner, on a careful examination of the fact pleaded in the CMP application and further keeping in view to the fact that the CMA application is pending since 2020, this Court is inclined to dispose of the CMP application by directing the learned Civil Judge (Senior Division) First Court, Cuttack to make every endeavour to take up the CMA No.58 of 2020 for consideration and dispose of the same as expeditiously as possible preferably within a period of eight weeks' from the date of communication of a copy of today's order, the Parties are directed to cooperate with the learned trial Court for early disposal of the CMP application.

6. With the aforesaid observation and direction, the CMP application is disposed of.

(A.K. Mohapatra)
Judge

Sisir