



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.371 of 2026

Mamata Behera

.....

Petitioner

Represented by Adv. –
Mr. Satya Shiva Dash

-versus-

Gurubari Bhoi and others

.....

Opposite Parties

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA
ORDER
26.02.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard the learned counsel for the Petitioner. Perused the CMP application as well as the prayer made therein.
3. By filing the present CMP application under Article 227 of the Constitution of India, the Defendant No.2-Petiitioner has approached this Court with a prayer for a direction to the learned 3rd Additional Civil Judge (Senior Division), Cuttack to expedite the trial in C.S. No.1040 of 2017 and to conclude the same as expeditiously as possible.
4. Learned counsel for the Petitioner, at the outset, contended that initially the Plaintiffs-Opposite Parties No.1 to 3 filed the suit for declaration of right, title and interest in



the year 2017. He further submitted that although in the meantime 9 years have elapsed, the suit has not progressed substantially. Being aggrieved by such delay in dispensation of justice, the Petitioner has approached this Court by filing the present CMP application. Learned counsel for the Petitioner further contended that the right to a speedy trial flows directly from Article-21 of the constitution of India. However, in the present case although 9 years have elapsed in the meantime, the suit has not progressed substantially. On such ground, learned counsel for the Petitioner contended that the trial court be directed to expedite the trial of the suit and conclude the same in a time bound manner.

5. Taking into consideration the submission made by the learned counsel for the Petitioner, further on a close scrutiny of the background facts involved in the present CMP application, this Court is of the considered view that several year old cases are pending before the trial court, particularly in places like Cuttack and Bhubaneswar. Therefore, no specific direction can be issued to the trial court to conclude the trial within a specific time period. However, taking into consideration the fact that the suit is of the year 2017, this Court grants liberty to the Petitioner to move an application before the trial court for early disposal of the aforesaid suit. In such eventuality, the trial court shall subject to pendency of the year old cases shall make every endeavour to expedite



the trial of the suit. The parties to the suit are directed to cooperate with the trial court and they shall not take any unnecessary adjournments.

6. With the aforesaid observation and direction, the CMP petition stands disposed of.

(Aditya Kumar Mohapatra)
Judge

Debasis