



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.445 of 2025

Aleena Acharya

....
Mr. B.R. Behera, Advocate

Petitioner

-Versus-

Sitesh Chandra Tripathy and others

....

Opposite Parties

None

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
26.03.2025

Order
No.
01.

1. Heard Mr. Behera, learned counsel for the petitioner.
2. No notices are issued to the opposite parties since the matter is disposed of at the stage of admission. Notices to the proforma opposite parties are dispensed with.
3. Instant petition is filed by the petitioner challenging the impugned orders dated 1st February, 2025 and 24th February, 2025 passed in connection with C.S. No.472 of 2019 by the learned 2nd Additional Civil Judge (Senior Division), Cuttack on the grounds stated therein and for a direction to keep in abeyance the hearing on amendment as per Annexure-3 pending disposal of IA No.1448 of 2024 arising out of CMP No.965 of 2024.
4. Mr. Behera, learned counsel for the petitioner submits that opposite party Nos.1 and 2 filed CMP No.965 of 2024 against an order of amendment in terms of Order 6 Rule 17 CPC allowed in favour of the petitioner and it was disposed of vide Annexure- 6 for



a reconsideration granting the liberty to the petitioner to seek variation of such order, in case, she is aggrieved. It is further submitted that an IA is filed seeking variation of the order in CMP No.965 of 2024 and the same is pending orders but in the meantime, the learned court below has proceeded to impose cost vide Annexure-8 and is contemplating to hear the application i.e. Annexure-3 for disposal. It is submitted that unless and until, the IA filed in CMP No.965 of 2024 is decided and disposed of, learned court below should not proceed with the hearing on amendment and that apart, levy of a cost of Rs.500/- was unjustified.

5. Indeed, as per an order dated 13th September, 2024 as at Annexure-6, this Court had directed reconsideration on the plea of amendment and upon receiving the same, learned court below proceeded to hear the same but at the same time, imposed a cost on the petitioner. Considering the submission of Mr. Behera, learned counsel for the petitioner that IA No.1448 of 2024 arising out of CMP No.965 of 2024 is pending disposal, the Court is of the view that the learned court below should be directed to defer the hearing in respect of Annexure-3 as the petitioner has approached seeking variation of the order passed therein. However, the Court is also view that the learned court below did not commit any serious error in imposing cost in view of the order of this Court in CMP No.965 of 2024 as it was obligated to ensure early disposal of Annexure-3. Having said that, the Court is inclined to direct learned court below to stay its hand in respect of Annexure-3 without any orders thereon pending receipt of directions upon disposal of IA No.1448 of 2024 corresponding to CMP No.965 of 2024, as such a course of action would serve the purpose and meet the ends of justice. Accordingly, it is ordered.



6. In the result, the CMP stands disposed of with the direction as aforesaid. In the circumstances, however, there is no order as to costs.
7. Urgent certified copy be issued in course of the day.

(R.K. Pattanaik)
Judge

TUDU

Signature Not Verified

Digitally Signed
Signed by: THAKURDAS TUDU
Reason: Authentication
Location: OHC, CTC
Date: 26-Mar-2025 18:29:53

