



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.535 of 2026

Anil Kumar Pradhan

.....

Petitioner

Represented by Adv. –
Mr. Tusar Kumar Mishra

-versus-

Jagannath Nath and others

.....

Opposite Parties

CORAM:

THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

25.03.2026

Order No.

- 01.
1. This matter is taken up through Hybrid 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 Appellant in RFA No.4 of 2023 pending in the court of learned District Judge, Sambalpur has approached this Court with a prayer for a direction to the learned First Appellate Court to take up and dispose of the application filed by the Appellant filed under Order-XLI Rule-5 read with Section 151 of C.P.C. expeditiously.
 4. Learned counsel for the Petitioner, at the outset, contended that along with the appeal memo the Appellant-



Petitioner filed an application under Order-XLI Rule-5 read with Section 151 of C.P.C. on 20.01.2026. He further submitted that although a couple of months' time has elapsed in time, such application has not been taken up and no consequential order has been passed thereon. He further submitted that such inaction of the learned First Appellate Court compelled the Appellant-Petitioner to file another application on 16.03.2024 at Annexure-4. Being aggrieved by such inaction of the learned First Appellate Court in taking up the application filed under Order-XLI Rule-5 read with Section 151 of C.P.C., the Petitioner has approached this Court by filing the present CMP application.

5. Upon hearing the learned counsel appearing for the Petitioner and on a careful examination of the nature of the grievance involved in the present CMP application, this Court deems it proper to dispose of the CMP application by granting liberty to the Petitioner to approach the learned First Appellate Court in R.F.A. No.4 of 2023 with a prayer for early disposal of his application filed under Order-XLI Rule-5 read with Section 151 of C.P.C. In the event the Petitioner approaches the First Appellate Court within fifteen days from today along with a copy of this



order, learned First Appellate Court after providing an opportunity of hearing shall make every endeavour to dispose of such application as expeditiously as possible, preferably within a period of six weeks thereafter. It is made clear that this Court has not expressed any opinion of the merits of the matter.

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

(Aditya Kumar Mohapatra)
Judge

Debasis