



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) NO.21101 OF 2025

Aparajita Pattnaik

.... ***Petitioner***

Mr. D. Nanda, Advocate

-versus-

***Abanindra Narayan Pattnaik
& Another***

.... ***Opp.Parties***

CORAM:

HON'BLE MR. JUSTICE DIXIT KRISHNA SHRIPAD

ORDER

13.08.2025

Order No.
02.

The short grievance of the Petitioner, who happens to be the opponent in Test Case No.8 of 2022, which, according to the counsel for Petitioner, is a probate proceeding in which contest is registered. Courts have taken the view that where a probate proceeding is caveated, it partakes the character of a civil suit for the purpose of trial.

2. Learned counsel appearing for the Petitioner submits that he being the opponent in the subject probate proceeding, the said proceeding cannot be kept pending indefinitely, there being no justification whatsoever. He also tells this Court that there is an injunctive suit in CS No.531 of 2021 and it has nothing to do with the probate proceeding and, therefore, he has moved an application under Section 151 of CPC,1908 on 12.12.2023 for early disposal of the said probate case. He further submits that the said application



is not being taken up for consideration and, therefore, a direction be issued for early disposal of the said probate proceeding.

3. Notice to the OPs is dispensed with, since no positive order is passed against him.

4. The Apex Court in a series of decisions has held that right to speedy justice is a facet of Article 21 of the Constitution of India and, therefore, judicial and quasi-judicial authority should make all endeavour to disposed off the pending cases at the earliest, of course giving priority to older and urgent matter. Be that as it may. Once an application is moved, the Court has to take a decision on that, this way, or that way.

In the above circumstances, writ petition is disposed off requesting learned District Judge, Puri to look into the application dated 12.12.2023 on war footing after giving an opportunity of hearing to all the stakeholders. All contentions are kept open.

Now, no costs.

Registry to send a copy of this order to OPs by speed post.

Web copy of this order to be acted upon by all concerned.

(Dixit Krishna Shripad)
Judge

Madhusmita
Signature Not Verified

Digitally Signed
Signed by: MADHUSMITA MALLICK
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 14-Aug-2025 09:55:27

