



IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P. No.1483 of 2024

Damayanti Sahoo

....

Petitioner

Mr. T.K. Mishra, Advocate

-Versus-

Akul Charan Das & others

....

Opposite Parties

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

06.02.2025

Order
No.

01.

1. Heard Mr. Mishra, learned counsel for the petitioner.
2. Instant petition is filed by the petitioner challenging the impugned order under Annexure-6 passed in C.M.A. No.12 of 2021 arising out of C.S. No.204 of 2009 by learned Additional Senior Civil Judge, Dhenkanal on the grounds stated therein.
3. Mr. Mishra, learned counsel for the petitioner narrated the past events and facts leading to the dismissal of the suit for non-prosecution with restoration of it being allowed in 2024. It is submitted that the plea for such restoration is contrary to the facts pleaded on record and therefore, the impugned order at Annexure-6 is liable to be set aside.
4. Considering such submission, this Court is inclined to issue notice to opposite party No.1 only.
5. Hence, it is ordered.



6. Notice to opposite party No.1 by Registered Post with A.D. making it returnable at an early date and for the said purpose, requisites shall be filed by the petitioner within the next three working days positively.

7. Awaiting response from opposite party No.1, list this matter on 21st March, 2025 for orders.

(R.K. Pattanaik)
Judge

I.A.No.1513 of 2024

- 02.
1. Heard Mr. Mishra, learned counsel for the petitioner.
 2. Instant petition is filed by the petitioner for interim orders.
 3. Though, this Court is not inclined to stay the further proceeding in C.S. No.204 of 2009, however, grants the liberty to the petitioner to seek an adjournment before the learned Additional Senior Civil Judge, Dhenkanal, who shall on receipt of the same, defer the hearing of the suit to any future date preferably later to 21st March, 2025.
 4. List on the date fixed.
 5. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge