



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.32316 of 2024

Sujata Mallick

....

Petitioner

Mr. M.K. Mohanty, Advocate

-Versus-

Chinmayee Behera and another

....

Opposite parties

Mr. C.M. Singh, ASC
Mr. G.P. Jena, Advocate

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

23.12.2024

Order No.

- 01.
1. Heard Mr. Mohanty, learned counsel for the petitioner.
 2. Instant writ petition is filed by the petitioner challenging the impugned order dated 16th November, 2024 passed in connection with Election Appeal No.02 of 2024 by learned District Judge, Cuttack on the grounds stated.
 3. Mr. Mohanty, learned counsel for the petitioner submits that the appeal was not maintainable, however, it was pursuant to the order in W.P.(C) No.9688 of 2024 but such a jurisdiction cannot be vested, hence, the impugned order i.e. Annexure-5 is liable to be set aside. That apart, such decision by learned court below is otherwise not sustainable on merit.
 4. Learned counsel for opposite party No.1 caveator is present and requests for time as he has received a copy of the writ petition with annexures recently.
 5. Considering such submission and for final hearing and orders, list the matter on 10th January, 2025.

(R.K. Pattanaik)
Judge



02.

I.A. No.17234 of 2024

1. Heard Mr. Mohanty, learned counsel for the petitioner and learned counsel for opposite party No.1.
2. Instant petition is filed by the petitioner for interim orders.
3. Mr. Mohanty, learned counsel for the petitioner submits that the proceeding in Election Petition No.4 of 2022 pending before the Court of learned Civil Judge (J.D.) Salipur is required to be stayed till disposal of the writ petition. An objection is received against it from learned counsel for opposite party No.1.
4. Considering the fact that recounting is the subject matter in dispute and the same has been disposed of by the impugned order i.e. Annexure-5, this Court, as an interim measure, awaiting response from opposite party No.1, directs that the proceeding in Election Petition No.4 of 2022 pending before the court of Civil Judge (J.D.), Salipur shall be deferred to any date later to 10th January, 2025.
5. List on the date fixed.
6. Urgent copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge