



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.88 of 2025

Rajkishore Dash

....

Petitioner

Mr. S.K. Mishra, Senior Advocate

-Versus-

Bhagirathi Nayak & others

....

Opposite Parties

None

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

30.04.2025

Order No.

01.

1. Heard Mr. Mishra, learned Senior Advocate appearing for the petitioner.
2. No notices are issued to opposite party Nos. 1 to 4 as the matter is disposed of at the stage of admission. Notices to proforma opposite party No.5 and 6 are also dispensed with.
3. Instant petition is filed by the petitioner challenging the impugned order dated 6th December, 2024 as at Annexure-5 passed in connection with Execution Case No.02 of 2007 I.A. No.57 of 2017 by learned Civil Judge,(Junior Division), Balasore on the grounds stated therein.
4. By abandoning the relief sought for against the impugned order as at Annexure-5, with filing of a memo today, Mr. Mishra, learned Senior Advocate for the petitioner requests for an early disposal of the execution proceeding by the Transferee Court,



namely, learned Civil Judge,(Junior Division), Soro, as the same would serve the purpose and meet the ends of justice.

5. Recording the submission that the execution proceeding was initiated in 2007 freshly registered as Execution Case No.01 of 2025 in the Court of learned Civil Judge,(Junior Division), Soro, the fact that the suit is of the year, 1997 and it was decreed in favour of the petitioner in 2006 and appealed in R.F.A. No. 38/2013 of 2007 disposed of on 24th September, 2008 and followed by R.S.A. No.315 of 2008 being dismissed on 18th December, 2023, the Court is of the view that Execution Case No.01 of 2025 should be directed to be disposed of within a stipulated period in respect of the original execution proceeding pending in the Court of learned Civil Judge,(Junior Division), Balasore before its transfer.

6. Hence, it is ordered.

7. In the result, the CMP stands disposed of with the direction as aforesaid. It is directed that learned Civil Judge (Junior Division), Soro shall immediately take up the hearing in Execution Case No.01 of 2025 corresponding to Execution Case No.02 of 2007 of the file of learned Civil Judge (Junior Division), Balasore and to ensure disposal of the same as expeditiously as possible preferably within a period of one month from the date of receipt of a copy of this order.

8. Urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge

Signature Not Verified

Digitally Signed
Signed by: BALARAM BEHERA
Reason: Authentication
Location: OHC, CUTTACK
Date: 02-May-2025 12:21:06

