

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).31431/2009

(From the judgement and order dated 27/07/2009 in WP No.6634/2009  
of The HIGH COURT OF ORISSA AT CUTTACK)

STATE OF ORISSA &amp; ORS.

Petitioner(s)

VERSUS

SAKTI KUMAR DAS

Respondent(s)

(With prayer for interim relief)

Date: 11/05/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN  
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. Radha Shyam Jena,Adv.

For Respondent(s) Mr. J. Shekhar,Sr.Adv.  
Mr. Chander Shekhar Ashri,Adv.UPON hearing counsel the Court made the following  
O R D E R

The appeal is allowed in terms of the signed order and set aside the order of the High Court in so far as it directed the appellants to maintain status quo. We, however, direct that the suit should be disposed of expeditiously in accordance with law, preferably within four months from today.

(O.P. Sharma)  
Court Master(M.S. Negi)  
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4410 OF 2010  
(Arising out of SLP (Civil) No.31431/2009)

VERSUS

O R D E R

Leave granted. Heard learned counsel for the parties.

2. The respondent filed a suit against the appellants seeking declaration of title and possession (alternatively for possession) on the basis of having perfected his title by adverse possession. In the said suit, the respondent filed an application under Order 39 Rule 1 and 2 C.P.C., which was dismissed on 18.1.2003. The Miscellaneous Appeal by the respondent challenging the dismissal of the application for temporary injunction was also dismissed on 8.4.2009. The respondent filed a writ petition challenging the order of the appellate court. By order dated 7.7.2009, the High court disposed of the writ petition by directing status quo to be maintained till disposal of the suit with a further direction that the suit should be disposed of within two months. The said order is challenged by the defendants in the suit, by this appeal by special leave.

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3. On 7.12.2009 while issuing notice we had granted interim stay of the order of the High Court in so far as it directed status quo but made it clear that the stay will not come in the way of the progress of the suit and also directed that suit should proceed expeditiously.

4. In this background when the matter came up today, both side submitted that the matter may be disposed of on the terms of the interim order by directing the trial

court to dispose of the suit expeditiously without being influenced by the observations of the High Court.

5. We accordingly allow this appeal, and set aside the order of the High Court in so far as it directed the appellants to maintain status quo. We, however, direct that the suit should be disposed of expeditiously in accordance with law, preferably within four months from today.

.....J.  
[ R.V. RAVEENDRAN ]

NEW DELHI; .....J.  
MAY 11, 2010 [ GYAN SUDHA MISRA ]