



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 1200 of 2016

CNR No.- ODHC010028252016

Rashmi Rekha Mohanty

.... Petitioner

Mr. Manoj Kumar Mohanty, Advocate

-versus-

1.Ch. Govinda Rajulu

2.Suman Saraf

3.Seema Saraf

4.Epari Kalavati

5.Sanjay Nayak

6.Partha Sarathi Estates Pvt. Ltd.,

Ganjam

....Opp. Parties

Mr. Jagjit Parida, Advocate

(for O.P. Nos. 2 and 3)

Mr. Samarendra Swain, Advocate

on behalf of Mr. S. C. Samantaray, Advocate

(for O.P. No. 6)

CORAM:

HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

18.08.2026

Order No.

08.

(Through hybrid Mode)

1. This CMP has been filed challenging the order dated 31.08.2013 passed by the learned Civil Judge (Junior Division), Berhampur in I.A. No.45 of 2008 arising out of C.S. No.105 of 2008 (Annexure-2) the Judgment dated 17.12.2014 passed by the learned 2nd Additional District Judge, Berhampur in FAO No.32 of 2013 (Annexure-3) and order



dated 29.02.2016 passed in Review Petition No.1 of 2015 (Annexure-4) and to grant temporary injunction against the defendants No.4 and 6 not to enter the suit schedule property and to construct the building over said suit plot during pendency of C.S. No. 105 of 2008 in the file of the learned Civil Judge (Junior Division) Berhampur.

2. While issuing notice on 06.10.2016, this Court had directed that status quo as on date with regard to the suit property shall be maintained by the Parties.

3. On 06.10.2016, while issuing notice parties had been directed to maintain status quo over the suit land.

4. On 04.08.2026, as learned counsel for the Parties submitted that they do not have any instructions if Civil Suit No. 105 of 2008 was still pending, the matter was adjourned to today to enable them to obtain instructions. Registry was also directed to call for a report from the learned Civil Judge (Junior Division), Berhampur regarding status of Civil Suit No. 105 of 2008.

5. Mr. S. Swain, learned counsel on behalf of Mr. S.C. Samantaray, learned counsel appearing for Opposite Party



No.6 submits that he has not been able to obtain instructions from Opposite Party No.6.

6. Mr. J. Panda, learned counsel appearing on behalf of Opposite Party Nos. 2 and 3 submits that the Civil Suit has been dismissed on 14.12.2018 and CMA No. 01 of 2021 filed under Order 9 Rule 13 has been dismissed on 10.04.2023 and CMA No. 16 of 2024 to restore CMA No. 01 of 2021 is now pending.

7. Perused the report dated 13.08.2026 of the learned Civil Judge, Berhampur, where it is stated that C.S. No. 43 of 2014 has been dismissed for default of the plaintiff on 14.12.2018, but nothing has been stated about the filing of the CMAs. The said report is extracted below:

“In compliance to the direction of the order dated 04.08.2026 passed by the Hon'ble High Court of Orissa in CMP No. 1200/2016, I am submitting herewith the present status of CS 105/2008 in the file of this court.

The case bearing no. CS 43-2014 was filed by the plaintiff namely Rashmi Rekha Mohanty against the defendants Ch. Govinda Raju and others which was instituted on 24.12.2008 before this court and was dismissed for default of the plaintiff on dtd.



14.12.2018 as she could not adduce any witness from her side.

The above report is submitted for kind perusal of the Hon'ble Court and obliged."

8. In the status report in Civil Suit No. 105 of 2008, it has been mentioned that Civil Suit No. 43 of 2014 has been dismissed for default on 14.12.2018. Unfortunately, the learned Civil Judge, Berhampur did not consider it necessary to point out or explain that Civil Suit No. 105 of 2008 corresponds to Civil Suit No. 43 of 2014 or has been renumbered as Civil Suit No. 43 of 2014.

9. The learned Civil Judge, Berhampur should be not so casual while sending reports to this Court. He/she should submit a further report in this case.

10. In view of the submission of Mr. Panda, learned counsel appearing for the Opposite Party Nos. 2 and 3, it is accepted that Civil Suit No. 105 of 2008 has been dismissed for default on 14.12.2018.

11. As Civil Suit No. 105 of 2008 has already been disposed of, nothing remains to be decided in this CMP, which is accordingly dismissed.



12. Interim order passed earlier stands vacated.
13. Misc. Case No. 1229 of 2016 stands disposed of.
14. Copy of this order be sent to the learned Civil Judge,
Berhampur.

(Savitri Ratho)
Judge

Subhalaxmi

Signature Not Verified

Digitally Signed
Signed by: SUBHALAXMI PRIYADARSHANI
SAHOO
Reason: Authentication
Location: Orissa High Court, Cuttack
Date: 19-Aug-2026 12:05:45

