



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.906 of 2026

Mrutunjay Biswal and another

.....

Petitioners

Represented by Adv. -
Durga Prasad Pattanaik

-versus-

Sri Sanatan Sahu and others

.....

Opposite Parties

Represented by Adv. -

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

23.06.2026

Order No.

01. 1. This matter is taken up through Hybrid mode.
2. 2. Heard learned counsel for the Petitioners. Perused the CMP application as well as the prayer made therein.
3. 3. By filing the present CMP application under Article 227 of the Constitution of India the judgment debtor in C.S. No.390 of 2013 pending in the court of learned Civil Judge, Balasore has approached this Court assailing order dated 07.05.2026 at Annexure-1 passed in Execution Case No.08 of 2024 which arises out of the above noted suit.
4. 4. Learned counsel for the Petitioners at the outset contended that the Opposite Parties-plaintiffs filed a suit for permanent injunction against the present Petitioners. Eventually the suit was decreed against the Petitioners. Learned counsel for the Petitioners further contended that being aggrieved by such decree the defendants-Petitioners approached the First Appellate Court by



filing RFA No.11 of 2024. Such RFA No.11 of 2024 has also been disposed of in the meantime by the Appellate Court, thereby confirming the judgment and decree of the learned trial Court.

5. Learned counsel for the Petitioners further contended that after disposal of the first appeal the plaintiffs-decree holders filed the above noted Execution Case No.8 of 2024. He further contended that after receiving notice in the execution case the defendants-Petitioners filed an objection under Section 47 of the CPC which was registered as CMA No.200 of 2026. The grievance of the Petitioners in the present application is that although the judgment debtor filed objection on 09.04.2026, however, the same has not been taken up for consideration. He further submitted that pending consideration of such objection the learned Executing Court passed the impugned order dated 07.05.2026, whereby the learned Executing Court has directed for grant of police assistance for smooth and peaceful execution of the decree. At this juncture, learned counsel for the Petitioners further submitted that in the event the decree is executed, the Petitioners will be rendered homeless without their objection being considered by the learned Executing Court.

6. Taking into consideration the submission made by the learned counsel for the Petitioner, on a careful examination of the background facts as well as keeping in view the fact that the objection filed by the Petitioners under Section 47 of the CPC is still pending for consideration and in the meantime the learned Executing Court had already passed an order for grant of police protection for the peaceful execution of the decree, this Court deems



it proper to dispose of the present CMP application by directing the learned trial Court to consider and dispose of the objection of the Petitioners involved in CMA No.200 of 2026 as expeditiously as possible, preferably within a period of four weeks. The parties to the suit are directed cooperate with the learned trial Court for disposal of such objection. As an interim, it is directed that the order dated 07.05.2026 shall be kept in abeyance for a period of four weeks or till disposal of the CMA No.200 of 2026.

7. With the aforesaid observation/direction, the CMP application stands disposed of.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout