



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.988 of 2026

Basanti Nanda and others

.....

Petitioner

Represented by Adv. -
Sudhansu Sekhar Jena

-versus-

***Brahmananda Chhatoi and
others***

.....

Opposite Parties

Represented by Adv. -

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
15.07.2026

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioners. Perused the CMP application as well as the prayer made therein.
 3. By filing the present CMP application under Article 227 of the Constitution of India, the Plaintiff in disposed of suit bearing C.S. No.448 of 2008 disposed of vide judgment and decree dated 31.07.2013, who also happens to be the Petitioner in Execution Case No.98 of 2016 pending in the Court of learned Civil Judge (Junior Division), Bhubaneswar, has approached this Court with a prayer to quash the impugned order dated 17.01.2024 at Annexure-1 and for a further direction to the learned Civil Judge (Junior Division), Bhubaneswar to adjudicate the execution case



by reviving the same.

4. Learned counsel for the Petitioner, at the outset, contended that the Petitioner as Plaintiff filed a suit for permanent injunction and other ancillary reliefs. Initially, the suit was decreed vide judgment and decree dated 31.07.2013. Thereafter, the Plaintiff initiated an Execution Case bearing E.C. No.98 of 2016. He further contended that the said execution case has been dismissed vide order dated 17.01.2024, at Annexure-1 to the CMP application. Further, referring to the aforesaid impugned order, it was contended that the learned Executing Court has dismissed the execution petition holding that the same is devoid of merit. Learned counsel for the Petitioner at this juncture contended that after order dated 17.01.2024 was passed dismissing the execution case, the Petitioner approached the learned Executing Court by filing a CMA No.100 of 2024 under Section 151 of the CPC to recall order dated 17.01.2024 on the grounds stated in the application at Annexure-3 to the CMP application. The grievance of the Petitioner in the present application is that although such application for recall of order dated 17.01.2024 has been filed since 23.02.2024, the same has not been taken up for final hearing as of now. Being aggrieved by such delay in disposal of the aforesaid CMA, the Petitioner has approached this Court by filing the present CMP application.

5. Considering such submissions made by the learned counsel for the Petitioner and on a careful examination of the backgrounds facts, further taking note of the limited nature of the



grievance involved in the present CMP application, this Court deems it proper to dispose of the CMP application at the stage of admission by directing the learned Civil Judge (Junior Division), Bhubaneswar to consider and dispose of CMA No.100 of 2024, if the same is still pending, as expeditiously as possible, preferably within a period of three months after providing opportunity of hearing to all concerned.

6. With the aforesaid observation and direction, the CMP application stands disposed of.

(A.K. Mohapatra)
Judge

Sisir

Signature Not Verified

Digitally Signed
Signed by: SISIR KUMAR SETHI
Designation: PERSONAL ASSISTANT
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 20-Jul-2026 20:41:03

