

IN THE HIGH COURT OF ORISSA AT CUTTACK

R.S.A. No.348 of 2007

Shree Jagannath Mahaprabhu & Others ***Appellants***

Mr. R.K. Mohnaty, Sr. Advocate

-versus-

Smt. Sanjukta Lenka & Others ***Respondents***
Mr. S. Mohanty,
Advocate

CORAM:
MR. JUSTICE D.DASH

ORDER
21.03.2022

Order No.

15. 1. Heard Mr. R.K. Mohanty, learned counsel for the Appellants and Mr. S. Mohanty, learned counsel for the Respondent Nos.1 and 2.

Perused the judgments passed by the courts below.

2. The Appeal is admitted on the following substantial questions of law:

“(i) Whether the First Appellate Court is right in arriving at a conclusion that the present suit in the form laid and for the reliefs claimed is barred by virtue of the provision of Section 73 of the Orissa Hindu Religious Endowments Act; and (ii) Whether the First Appellate Court having held the Plaintiff to be the owner of the property in question and having not arrived at a conclusion other than the conclusion of the Trial Court that the property described in the said Hata Patta-Ext.F, which is projected as the foundational document by the Defendants are not the property involved in the suit; is right in

saying that the suit for permanent injunction is not maintainable?”

3. On consent of the learned counsel for the parties, the appeal is heard on merit.

4. Judgement is passed as per separate sheet enclosed and pronounced in open Court.

(D. Dash)
Judge

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