

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 1384 OF 2019

Sarata Mohanty and others* *Petitioners

Mr. Samir Kumar Mishra, Advocate

-versus-

Sabi Dei and others* *Opp. Parties

Mr. Anam Ch. Panda, Advocate

(For Opp. Party Nos.1 to 3)

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

20.12.2022

Order No.

6. 1. This matter is taken up through hybrid mode.
2. The Petitioners in this CMP seek to assail the order dated 21st October, 2019 (Annexure-4) passed by learned Additional District Judge, Nimapara in F.A.O. No.29 of 2019, whereby allowing the appeal learned appellate Court reversed the order dated 13th August, 2019 (Annexure-3) passed by learned Civil Judge (Senior Division), Nimapara in I.A. No.20 of 2019 (arising out of C.S. No. 48 of 2019) rejecting an application under Order XXXIX Rules 1 and 2 C.P.C. filed by the Opposite Party Nos.1 and 3.
3. Leaned counsel for the parties made a lengthy argument in the matter.
4. Mr. Mishra, learned counsel for the Petitioners submits that a cinema hall is running over the suit plot. He also intended to produce the document in support of the same. It is his submission that by virtue of the impugned order, restraining the present Petitioners from interfering with the possession of

the Plaintiffs-Opposite Party Nos.1 to 3 over the suit land, it will be very difficult on their part to run the cinema hall.

5. Mr. Panda, learned counsel for the Opposite Party Nos.1 to 3 submits that, in fact, a cinema hall is existing adjacent to the land of the Petitioners. But it has not yet been ascertained over which plot the said cinema hall is existing. It is his submission that the Opposite Party Nos.1 to 3 are in exclusive possession over the land in question.

6. Taking into consideration the submissions made by learned counsel for the parties, it is apparent that a cinema hall is existing to the adjacent land under possession of the Opposite Party Nos.1 to 3. In that view of the matter, interest of justice will be best served, if the parties are directed to maintain *status quo* with regard to the possession of the suit property till disposal of the suit.

7. Accordingly, this Court without interfering with the findings arrived at by learned appellate Court, disposes of the CMP with a direction that the parties to the CMP shall maintain *status quo* over the suit property without disturbing the possession of either of the parties till disposal of the suit.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

ms