IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.13456 of 2011

CNR No. ODHC010007882011

Madhabananda Goswami and others .... **Petitioners**

Mr. N. Praharaj, Advocate

-versus-

Niranjananda Goswami and others .... **Opp. Parties**

Mr. Jagannath Bhuyan, Advocate
on behalf of
Mr. M. Panda, Advocate

CORAM:
HON'BLE MR. JUSTICE MRUGANKA SEKHAR SAHOO

ORDER
09.11.2026
(*Hybrid Mode*)

Order No.

08. **1.** The Writ Petition has been filed with the following prayer:

> *"Petitioners, therefore, humbly pray that this Honourable court may graciously be pleased to issue a writ of certiorari or any other appropriate writ/direction(s)/order(s) quashing/set aside the impugned order (Annexure-3) dtd. 16.4.2011 passed by learned Civil Judge (Jr. Divn.) Baripada in T.S. No.97 of 1995 and to pass any other appropriate order as this Hon'ble court deems fit and proper."*

2. The impugned order dated 16.04.2011 has made in T.S. No.97 of 1995 then pending before the learned Civil Judge (Junior Division), Baripada. By the order

dated 16.04.2011 the learned Civil Judge (Junior Division), Baripada rejected the prayer of the plaintiff seeking time and posted the matter to 22.04.2011 for further evidence. The said order was challenged before this Court by filing the present Writ Petition.

3. The Coordinate Bench of this Court by order dated 24.08.2011 directed 'Interim stay of further proceedings in T.S. No.97 of 1995 pending in the court of the Civil Judge (Jr. Division), Baripda till the next date of listing'. Thereafter, the matter seems to have not been taken up/not listed as indicated in the order sheet.

4. It is submitted by the learned counsel for the Petitioner-Plaintiff that due to operation of the order in ***Asian Resurfacing of Road Agency Pvt. Ltd. vrs. Central Bureau of Investigation: (2018) 16 SCC 299***, the interim of this order stood vacated. The learned trial Court has proceeded in the matter.

5. On 24.09.2026 the following order was passed:

> *"**1.** The matter is listed for hearing under the heading 'For Admission'.*
> ***2.** Learned counsel for the petitioners seeks accommodation as stating that he has misplaced his case brief.*
> ***3.** As prayed for, the matter shall be listed for hearing under the heading 'For Admission' in the week commencing 05.10.2026.*
> ***4.** Registry shall obtain a report from the learned Civil Judge" (Junior Division), Baripada regarding the status of T.S. No.97 of 1995, out of which the present application arises. The report shall be placed on record by the next date through e-mail."*

6. Pursuant to the order dated 24.09.2026, the learned Civil Judge-cum-S.D.J.M., Baripda by letter dated 08.10.2026 has intimated "...The case record in T.S. No. 97 of 1995 was dismissed for default on 19.07.2021 as intimated by the Civil Judge (Junior Division) -cum- J.M.F.C., Betnoti, District-Mayurbhanj vide her letter No. 1791, dated. 08.10.2026. The copy of the said letter No.1791 dated. 08.10.2026 of the Civil Judge (Jr. Divn) -cum-J.M.F.C., Betnoti is enclosed herewith."

7. In view of the above, nothing survives for adjudication before this Court as the Title Suit has already been dismissed on 19.07.2021.

8. The Writ Petition stands disposed of. All the interim orders passed earlier stand vacated.

9. Copy of this order shall be forwarded to the learned Civil Judge (Junior Division)-cum-J.M.F.C., Betnoti to be kept in the records of T.S. No.97 of 1995 as the suit was transferred to the said Court on 06.08.2014.

(Mruganka Sekhar Sahoo)
Judge

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Signature Not Verified
Digitally Signed
Signed by: AMIT KUMAR MOHANTY
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 10-Nov-2026 10:25:56