IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 611 of 2026
[CNR No. ODHC010016742026]

Mahani Sahoo .... ***Petitioner (Plaintiff)***

Mr. Suresh Chandra Pradhan, Advocate

-versus-

1. Kamalini Sahoo
2. Pinki Sahoo
3 Pallavi Sahoo
4. Gudan Sahoo
5. Nrupati Sahoo
6. Sasmita Sahoo ***Opp. Parties***
7. Minakshi Tarai .... ***(Defendants)***

CORAM:
THE HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

Order No. **13.11.2026**

(Through Hybrid Mode)

01. 1. This CMP has been filed for a direction to the learned Civil Judge, Senior Division, Kendrapara for disposal of Civil Suit No. 358 of 2022 within a short stipulated period.

2. Mr. Suresh Chandra Pradhan, learned counsel for the Petitioner appearing on virtual mode from Kendrapara submits that after notice was issued to the Opposite Parties, Defendant -Opposite Party No.6 appeared on 12.10.2022 and thereafter has been taking time repeatedly for filing of written statement. When the suit was posted to 15.11.2025 for filing of written statement, the Defendant - Opposite Party No. 6 again took time to file written statement and

till date written statement has not been filed. He submits that SR is not back from the other Defendants - Opposite Parties and they have not appeared.

3. The learned counsel for the Petitioner submits that in spite of lapse of four years S.R. is not back from the other defendants and Defendant No.6 is yet to file written statement and the case was posted to 03.02.2026 awaiting SR and the matter is being adjourned unnecessarily and the Petitioner is ready to file fresh requisites for issue of fresh summons on the Defendants No. 1 to 5 and 7 in the suit. He also submits that since the Defendant No.6 has not yet filed written statement, appropriate order should have been passed by the learned trial Court in this regard.

4. The copy of the order sheet in Civil Suit No. 358 of 2022 containing only order no.4 dated 05.08.2022, order no.10 dated 12.10.2022 and order no.50 dated 15.11.2025 have been annexed to this CMP.

5. Perusal of these orders does not give a clear picture regarding actual status of the suit. As the entire order sheet in the suit has not been filed in this CMP for perusal of the Court, I am of the view that it would not be in the interest of justice to pass any order directing the learned Civil Judge, Senior Division, Kendrapara to dispose of Civil Suit No. 358 of 2022 within a

stipulated period, without hearing the Defendants – Opposite Parties.

6. However, in view of the nature of order I propose to pass, I am of the view that such order can be passed without issuing notice to the Opposite Parties.

7. After hearing learned counsel for the Petitioner, the CMP is disposed of directing the learned Civil Judge, Senior Division, Kendrapara to entertain the prayer / application of the plaintiff for issuing fresh summons to the Defendants No. 1 to 5 and 7 and not to grant unnecessary adjournments to any party which includes allowing time petitions without sufficient cause being shown.

8. As this order has been passed without issuing notice to the Defendants – Opposite Parties, liberty is granted to them to file an application(s) for recall / modification of this order in case there is suppression of any material fact by the plaintiff-Petitioner, resulting in prejudice to them.

9. Copy of this order be communicated to the learned Civil Judge, Senior Division, Kendrapara by the Registry forthwith.

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

(Savitri Ratho)
Judge

Signature Not Verified
Digitally Signed
Signed by: SUKANTA KUMAR BEHERA
Reason: Authentication
Location: Orissa High Court, Cuttack
Date: 16-Nov-2026 17:31:31