IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.19839 of 2011
CNR No.ODHC010026992011

Khagendra Behera and others .... ***Petitioners***

None

-versus-

Arjun Behera and others .... ***Opp. Parties***

CORAM:
JUSTICE MRUGANKA SEKHAR SAHOO

ORDER
11.11.2026
(*Hybrid Mode*)

Order No.

06. **1**. The matter is prioritized and listed at the top of the list under the heading 'Old Matters'.

2. None appears for the petitioners when the matter is called. None had appeared when the matter was taken up on 07.10.2026 and was called twice over.

3. The submissions of learned counsel for the petitioner was recorded and the following order was made on 14.10.2026:

> *"3. Learned counsel for the petitioners submits that due to inadvertence, he could not file the requisites for issuance of notice to the Opp. Parties and prays that since the matter is alive, though fifteen years have passed, he may be permitted to take steps for issuance of notice.*
> *4. Accordingly, it is directed that requisites for issuance of notice be filed within seven working days peremptorily. Failure to file requisites shall result in dismissal of the writ application.*

5. The matter shall be listed under the heading 'Old Matters' in the week commencing 09.11.2026."

4. Pursuant to the direction of this Court dated 14.10.2026, learned Civil Judge (Senior Division), Jaleswar by letter no.1144 dated 30.10.2026 has intimated the present status of C.S. no.1186 of 2008-I (498/2010). The said report is reproduced herein:

> *"... that the Case Record i.e. C.S No-1186 of 2008-1 (498/2010) was disposed of on 29.02.2012 by this Court and the same is consigned to the J.I.C., Record Room, Balasore on 12.06.2012 as found from the consignment register. Further, as per letter no.329 dtd.30.10.2026 received from the Civil Judge (Sr. Div.), Balasore, I am to submit that IA Case No. 493 of 2008 (arising out of C.S-1186 of 2008) was disposed of by the Court of Civil Judge (Sr. Div.), Balasore on 26.12.2008 and tagged with the said suit."*

5. Challenge in the present writ petition is to the order dated 05.04.2011 passed in the C.S. No.498 of 2010, interlocutory application filed on behalf of the plaintiff in the said suit under Section 151 of C.P.C.

As the events are unfolded, the C.S. has been disposed of on 29.02.2012. Therefore, nothing survives for adjudication in the present writ petition.

6. The writ petition is accordingly disposed of.

7. Copy of this order shall be forwarded to the learned Civil Judge (Senior Division), Jaleswar to be kept in the files of C.S. 1186 of 2008-I (498/2010).

(Mruganka Sekhar Sahoo)
Judge

Jyostna

Signature Not Verified
Digitally Signed
Signed by: JYOSTNARANI MAJHEE
Reason: Authentication
Location: OHC
Date: 13-Nov-2026 17:12:52