IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.533 of 2026

Shisir Kumar Pradhan ..... ***Petitioner***

Represented by Adv. –
Mr. Pravat Ranjan Sutar

-versus-

Ambika Pradhan and others ..... ***Opposite Parties***

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA
ORDER
09.04.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard the learned counsel for the Petitioner. Perused the CMP application as well as the prayer made therein.

3. By filing the present CMP application, the Plaintiff in C.S. No.13 of 2023 pending in the court of the learned Additional Civil Judge, Pattamundai, has approached this Court thereby challenging the order dated 07.02.2026 passed by the above noted court.

4. Learned counsel for the Petitioner, at the outset, contended that initially the Petitioner filed the above noted suit with a prayer for injunction simplicitor. He further contended that in the suit, the Petitioner has also filed an application under

Order-39 and Rule-1, 2 & 3 of C.P.C. for grant of injunctive relief. He further contended that by virtue of order dated 02.05.2023 passed in I.A. No.7 of 2023, the learned trial court under Order-39 Rule-3 of C.P.C directed the parties to maintain status quo over the suit scheduled land till appearance of the Opposite Parties while permitting the Plaintiff to take notice through Special Messenger.

5. The grievance of the Petitioner in the present CMP application is that despite such status quo order dated 02.05.2026 at Annexure-3, the Opposite Parties-Defendants violated the court's order. Accordingly, the Plaintiff-Petitioner moved an application before learned trial court under Order-39 Rule-1 & 2 read with Section 151 of C.P.C. for police protection. Learned trial court, by virtue of the impugned order dated 07.02.2026, rejected the prayer of the Plaintiff for grant of police protection. Being aggrieved by such order, the Petitioner has approached this Court by filing the present CMP application.

6. In course of argument, learned counsel for the Petitioner referred to the F.I.R. lodged by the Plaintiff-Petitioner against the Defendants-Opposite Parties which has been registered as Pattamundai Rural Case No.369 dated 21.09.2025 for alleged commission of offences punishable under Sections 126(2)/296/115(2)/351(2)/351(3)/3(5) of the B.N.S., 2023. Learned counsel for the Petitioner further submitted that in the

F.I.R., the Plaintiff-Petitioner has made specific allegation of the violation of the status quo order passed by the learned trial court. He further contended that in the meantime investigation has been concluded. However, no charge sheet has been filed by the police. Ignoring the aforesaid criminal case, learned trial court, vide impugned order dated 07.02.2026, refused to grant police protection to the Petitioner.

7. Learned counsel for the Petitioner, in course of argument, further submitted that unless the status quo order passed by the learned trial court is enforced, the Petitioner would be seriously prejudiced. He further contended that the Defendants are repeatedly barging into the land, which is in possession of the Plaintiff-Petitioner. It is also argued that it is duty of the learned trial court to ensure that the order passed by the court is followed by the parties. However, ignoring the aforesaid settled position of law, the trial court disbelieved the Petitioner and refused to interfere with the application under Section 151 of C.P.C. and denied police protection to the Petitioner.

8. Considering the submission made by the learned counsel appearing for the Petitioner, on a careful examination of the background facts as well as the impugned order dated 07.02.2026, this Court is of the view that the learned trial court has not considered the application of the Petitioner under Section 151 of C.P.C. This Court is of the view that the learned trial court is under legal obligation to ensure that the

order passed by the court is followed scrupulously by the parties. Moreover, once the F.I.R. is registered, a report is to be called from the local police station and, after due consideration of such report, necessary consequential order is to be passed by the learned trial court. However, such procedure has not been followed in the present case.

9. In such view of the matter, this Court, while disposing of the CMP application, grants liberty to the Petitioner to approach the learned trial court once again seeking police protection. In such eventuality, the trial court shall consider the matter in its proper perspective and, if required, shall also call for a report from the concerned police station with regard to the allegation made by the Plaintiff-Petitioner. Consequently, after providing an opportunity of hearing to both sides, the trial court shall pass necessary orders.

10. With the aforesaid observation, the CMP stands disposed of.

(A.K. Mohapatra)
Judge

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