IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.457 of 2026

Sujata Dash ..... ***Petitioner***

Represented by Adv. –
Mr. Bhagaban Mohanty

-versus-

Dillip Keshari Panda ..... ***Opposite Party***

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

3. The Petitioner, who happens to be the Plaintiff in C.S. No.98 of 2025 which was filed with a prayer for eviction and for arrear rent, has approached this Court by filing the present CMP application under Article 227 of the Constitution of India thereby challenging the order dated 22.01.2026 passed by the learned Civil Judge (Junior Division), Jajpur in C.S. No.98 of 2025.

4. Learned counsel for the Petitioner, at this juncture, contended that by virtue of impugned order dated 22.01.2026, the learned trial court has accepted the W.S. filed by the Defendant

under Order-8 Rule-9 of the C.P.C. Learned counsel for the Petitioner further submitted that the impugned order dated 22.01.2026 at Annexure-8 is unsustainable in law inasmuch as the same is contrary to the express provisions contained in the Civil Procedure Code. He further contended that the Defendant, who is the tenant under the Plaintiff-Petitioner, has deliberately delaying the suit and that he does not want to vacate the suit premises. In the aforesaid factual background, learned counsel for the Petitioner contended that order dated 22.01.2026 is unsustainable in law.

5. Having heard the learned counsel appearing for the Petitioner, on a careful examination of the background facts, this Court observes that although Defendant was at fault in filing the written statement at a belated stage, the same has been accepted by the learned trial court in exercise of its discretion under Order-8 Rule-9 of the C.P.C. Moreover, this Court is also considered the fact that in the event any notice is issued to the Opposite Party, the same will cause unnecessary delay in disposal of the suit. The suit being an eviction suit, the same is required to be disposed of expeditiously, which would be the interest of the Plaintiff-Landlord.

6. Keeping in view the aforesaid analysis, this Court deems it proper to dispose of the present CMP application without interfering with the order dated 22.01.2026 at Annexure-8 and with a further direction to the learned trial court to make every endeavour to dispose of the suit at the earliest, preferably within

a period of one year. Parties of the suit are directed to cooperate with the trial court for early disposal of the suit and they shall not seek any unnecessary adjournment during the trial

7. With the aforesaid observation and direction, the CMP stands disposed of.

(A.K. Mohapatra)
Judge

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Location: ORISSA HIGH COURT
Date: 15-Apr-2026 10:20:49