IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.599 of 2026

Prasanta Kumar Patra **.....** ***Petitioner***

Represented by Adv. -
Suvashish Pattanaik

-versus-

Narendra Rout & Ors. **.....** ***Opposite Parties***

Represented by Adv. -

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

3. By filing the present CMP application, the plaintiff in CS No.657 of 2026 pending in the Court of learned Civil Judge (Senior Division) Bhubaneswar, has approached this Court thereby challenging order dated 23.03.2026 passed in IA No.01 of 2026 arising out of the above noted suit.

4. Learned counsel for the Petitioner at the outset contented that the Petitioner as plaintiff filed a suit for declaration and permanent injunction. Along with the suit plaint, the plaintiff also filed an application under Order 39 Rule 1 and 2 and Rule 3 of the CPC. The plaintiff prayed for urgent injunctory relief as the plaintiff apprehends that the defendants are going to create 3rd party interest

over the suit schedule land. He further contented that although the suit schedule land was purchased by the plaintiff, however, the same could not be mutated in the name of the plaintiff. Since the suit schedule land continued to be recorded in the name of the father of the defendant, there is every likelihood that the defendant might sell the said land to some 3rd party and thereby create 3rd party interest over the suit schedule property, which would eventually create difficulty for the plaintiff at the later stage of the suit. On such ground, the plaintiff has approached this Court by filing the present CMP application with a prayer for protection and to set aside order dated 23.03.2026.

5. Having heard the learned counsel for the Petitioner, on a careful examination of the background facts as well as the documents annexed to the CMP application, this Court is of the view that learned trial court should have taken up the injunction application of the Petitioner taking into the urgency involved. However, without expressing any opinion on the merits of the matter and without going into the merits of the order dated 23.03.2026, this Court deems it proper to dispose of the CMP application by directing the learned trial court to expedite the hearing of the application under Order 39 Rule 1 and 2 of the CPC and the same be disposed of by providing ample opportunity to both sides within a period of eight weeks from the date of communication of a copy of today's order. As an interim, it is directed that the parties shall not create any 3rd party interest till disposal of the Order 39 Rule 1 and 2 application or for a period of eight weeks. It is further made clear that the aforesaid interim arrangement is being made to protect the suit properties and that the

learned Trial Court shall not be influenced by such interim arrangement while considering the application of the plaintiff under Order 39 Rule 1 and 2 and that such application shall be considered strictly on the basis of its own merit and without being influenced by this order.

6. Since this application is being disposed of without issuing notice to the Opposite Parties, liberty is granted to the Opposite Parties to seek for modification or variation of the order in the event it is found that the Plaintiff has suppressed any material information or has misled this Court in any manner.

7. With the aforesaid observations/ directions, the CMP application stands disposed of.

Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

Anil

Signature Not Verified
Digitally Signed
Signed by: ANIL KUMAR SAHOO
Designation: Junior Stenographer
Reason: Authentication
Location: High Court of Orissa
Date: 10-Apr-2026 12:05:12