**IN THE HIGH COURT OF ORISSA AT CUTTACK**
**CMP No.1387 of 2026**
**CNR No. ODHC010497272026**

***Kanaklata Pradhan*** ***.....*** ***Petitioner***

Represented by Adv. –
Mr. Arun Kumar Das-1

*-versus-*

***Soubhagya Behera (Dead)*** ***.....*** ***Opposite Parties***
***1.A. Minakhi Behera and others***

**CORAM:**
**MR. JUSTICE ADITYA KUMAR MOHAPATRA**

**ORDER**
**04.11.2026**

**Order No.**

02. 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 under Article 227 of the Constitution of India, the Decree Holder in Execution Case No.20 of 2024, pending in the court file of learned Civil Judge (Junior Division), Kendrapara, which arising out of C.S. No.156 of 2019, has approached this Court thereby challenging the order dated 24.02.2026 passed in the abovenoted Execution Case.

4. Learned counsel for the Petitioner, at the outset, contended that the Petitioner, as a Plaintiff, filed a suit for permanent injunction. Such suit was decreed. Thereafter, the Decree

Holder-Petitioner instituted the present Execution Case. Learned counsel for the Petitioner further contended that in the present Execution Case, the learned trial court, by virtue of order dated 24.02.2026, has recorded the satisfaction of the decree on the basis of the Civil Court Commissioner's Report. He further contended that Civil Court Commissioner's Report was prepared on the basis of the Sabik Map, even though the decree was passed on the basis of the Hal records. In such view of the matter, learned counsel for the Petitioner contended that the Decree Holder has not been put in possession as per the decree which is based on power of record of rights.

5. On perusal of the impugned order dated 24.02.2026, it appears that the learned Executing Court has accepted the Civil Court Commissioner's Report and the report of the bailiff with regard to delivery of possession. Eventually, the learned Executing Court has recorded the satisfaction of the decree.

6. Taking into consideration the submissions made by the learned counsel for the Petitioner and on a careful examination of the order dated 24.02.2026, this Court is of the view that the learned Executing Court has not committed any illegality in passing the order dated 24.02.2026, inasmuch as opportunity was provided to the parties to file objection to the Civil Court Commissioner's Report. However, no objection was filed either by the Decree Holder or the Judgment Debtor. Accordingly, the learned Executing Court proceeded with the execution of the decree.

7. However, while disposing of the CMP application, this

Court grants liberty to the Petitioner to bring the aforesaid specific fact to the notice of the learned Executing Court by filing an application. In the event such an application is filed, the learned Executing Court shall consider the same after providing due opportunity to both sides and dispose of such application by passing a reasoned order.

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

***( A.K. Mohapatra)***
***Judge***

*Debasis*

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Designation: SECRETARY
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 06-Nov-2026 20:08:55