IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.1423 of 2026
CNR No. ODHC010652812026

Gourimani Mishra **.....** ***Petitioner***

Represented by Adv.
- Lakshman Mishra

-versus-

BASANTI MISHRA and others **.....** ***Opposite Parties***

Represented by Adv.
-

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA
ORDER
27.10.2026

Order No.

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

2. Heard learned counsel 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 Plaintiff in C.S. No. 83 of 2007 pending in the Court of learned Civil Judge (Senior Division), Jajpur Road has approached this Court thereby challenging the impugned order dated 12.02.2026 at Annexure-9 to the CMP application.

4. Learned counsel for the Petitioner at the outset contended that the present Petitioner, as Plaintiff, filed a suit for declaration and permanent injunction. He further submitted that

in the suit, the Plaintiff filed the certified copies of certain sale deeds relied upon by the Plaintiff in support of his contention, such documents which are certified copies of the sale deeds were taken into evidence as marked as exhibits with objection from the defendants' site.

5. Learned counsel for the Petitioner at this juncture contended that since the sale deeds were marked as exhibits with objection from the defendants' site, the Plaintiff filed an application before the learned trial Court with a prayer to call for the original records from the District Record Room. Such application of the Plaintiff was resisted by the Defendants. Finally by virtue of the impugned order dated 12.02.2026, the learned trial Court rejected the Plaintiff's prayer to call for the original records from the District Record Rooms on two grounds; (i) that the name of the District Record Room has not been properly narrated in the petition; (ii) the sale deeds in question were also the subject matter of the dispute in a previous suit involving an identical question. Being aggrieved by such rejection of his prayer, the Plaintiff has approached this Court by filing the present CMP application.

6. Considering the submissions made by the learned counsel for the Petitioner, upon on a careful examination of the background facts as well as on a close scrutiny of the impugned rejection order at Annexure-9, this Court found that the application of the Plaintiff-Petitioner has been rejected only on the ground that the name of the District Record Room has not been properly described in the application filed by the Plaintiff before

the learned trial Court. Moreover, taking into consideration the fact that the Plaintiff has filed the certified copies from the District Record Room which were objected to by the Defendants on the ground that the Plaintiff has not produced the originals thereof, such ground is all the more reason before the learned trial Court to call for the original records, in the event the learned trial Court comes to conclusion that such documents would have a direct and substantial bearing upon the outcome of the suit.

7. In the aforesaid factual backdrop, this Court could not inclined to interfere with the impugned order at Annexure-9. However, liberty is granted to the Petitioner to move a fresh application, giving proper description of the District Record Rooms where the documents are available. In the event any such application is filed within three weeks from today, such application shall be considered by the learned trial Court, by taking note of the observations made herein by this Court. Further, taking into consideration that fact that the suit is of the year 2007, the learned trial Court shall make every endeavour to expedite the hearing of the suit and conclude the same as expeditiously as possible. Both sides are directed to cooperate with the learned trial Court and shall not seek any unnecessary adjournments.

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

(A.K. Mohapatra)
Judge

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Reason: Authentication
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Date: 27-Oct-2026 15:03:38