IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.1426 of 2026
CNR No. ODHC010659452026

1) Deepak Kumar Lenka ..... ***Petitioners***
2) BHIMSEN LENKA
Represented by Adv. - Alok Kumar Mohapatra

-versus-

1) MAMATA MISHRA ..... ***Opposite Parties***
2) ANVESHA MISHRA
3) ABHILIPSA MISHRA
4) TAPAS KUMAR MALLIK
5) UJJAL KUMAR MALLIK
6) MANAS KUMAR MALLIK
7) RAMA DUTTA
8) SEEMA NANDY
9) REKHA GHOSH
10) SIKHA GORAI
11) NARAYAN MOHAPATRA
Represented by Adv. -

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
25.11.2026

Order No.

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

2. Heard learned counsel for the Petitioners as well as the Opposite Party appears in person. 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 Defendant nos. 9 and 10 has approached this Court by filing the present CMP application under

Article 227 of the Constitution of India challenging order dated 06.08.2026 passed in C.S. No.513 of 2018 pending in the Court of learned Addl. Civil Judge (Senior Division), Puri.

4. Learned counsel appearing for the Defendant Nos. 9 and 10(the Petitioners) at the outset contended that initially the Opposite Parties as plaintiffs filed a suit for declaration of right, title and interest for recovery of possession. He further submitted that during the pendency of the suit, the Plaintiffs move an application on 19.03.2026 with a prayer to mark certified copies of certain documents as exhibits. Such application of the Plaintiff was contested by the Defendants-Petitioners. He further submitted that although the certified copies of the documents which are sought to be introduced in the suit and marked as exhibit as certified copies of the pleadings in a previous suit wherein the Petitioners were not Parties, and despite objection being raised by the Defendant Nos. 9 and 10, was allowed by the learned trial Court. On such ground, learned counsel for the Petitioners sought for setting aside of the order dated 06.08.2026.

5. The Opposite Parties-Plaintiffs on the other hand contended that the documents which are sought to be introduced are certified copies of a decree, certified copy of a plaint and certified copy of the power of attorney. Therefore, the same is admissible in evidence. As such, it was argued that the learned trial Court has not committed any illegality in permitting those documents to be marked as exhibit. On such ground, the Plaintiffs fully supported the impugned order dated 06.08.2026 and prayed for dismissal of the present CMP application.

6. Having regard to the submissions made by the learned counsels appearing for both sides and on a careful examination of the background facts as well as documents annexed to the CMP application, further on a close scrutiny of the impugned order dated 06.08.2026, this Court observes that the Defendant Nos. 9 and 10 have approached this Court challenging the abovenoted impugned order whereby the learned trial Court has permitted the Plaintiffs to introduce three documents as has been stated hereinabove.

7. On perusal of the impugned order dated 06.08.2026, this Court observed that the learned trial Court has come to a specific finding that such documents which are sought to be introduced and marked as exhibits are public documents and that no prejudice would be caused to be the Defendants if such documents are admitted into evidence. In the aforesaid context, learned trial Court has also referred to the judgment of the Hon'ble Supreme Court reported in ***2001 3 SCC 1*** in ***Bipin Shantilal Panchal vs. State of Gujarat***.

8. Learned counsel appearing for the Petitioners seriously objected to introduction of such documents by taking the plea that the certified copies of the plaint and the power of attorney cannot be turned as public documents. In support of his contention, he referred to the judgment of this Court in ***Smt. Baijayanti Nanda*** **vs.** ***Shi Jagannath Mahaprahbhu Marfat Adhikari Mahanta Bansidhar Das Goswami and others*** decided in ***W.P.(Civil) No.10286 of 2007*** vide judgment dated 13.03.2014. The Plaintiff-Opposite Party on the other hand referred to the judgments of the

various High Courts as well as the Supreme Court to back their arguments that the documents which were sought to be introduced as evidence and which have been marked as exhibits by virtue of the impugned order are all public documents. It was also argued that such public documents can be taken into evidence at any stage and relied upon by the learned trial Court and, accordingly, it was submitted that the learned trial Court has not committed any illegality by passing order dated 06.08.2026.

9. On a careful analysis of the submission made on behalf of both sides, further on a careful scrutiny of the impugned order dated 06.08.2026, this Court found that although the Plaintiffs have been permitted to introduce the documents, the same is on the ground that such documents are public documents. However, there is no discussion in the impugned order with regard to the documents in question being public documents. Moreover, learned counsel for the Petitioners contended that such documents are not public documents. On the contrary, a stand was taken by the Plaintiffs that no opportunity to raise any objection was raised at the time of the hearing of the application was given to the Defendant Nos. 9 and 10 with regard to the fact that the documents are not public documents.

10. On a careful analysis of the entirety of the factual background of the case as well as the impugned order dated 06.08.2026, this Court found that the learned trial Court has not examined the validity of the documents which are sought to be introduced from the side of the Plaintiffs. As such, this Court is of the view that the matter requires reconsideration by the learned trial Court. Accordingly, the matter is remanded back to the

learned trial Court to consider the application afresh after providing opportunity of hearing to both sides. The learned trial Court shall do well to consider and dispose of the application within a period of four weeks by passing a speaking and reasoned order from the date of communication of a copy of this order by the Petitioner. Parties are directed to external their co-operative for early disposal of the application.

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

(Aditya Kumar Mohapatra)
Judge

Sisir

Signature Not Verified
Digitally Signed
Signed by: SISIR KUMAR SETHI
Designation: Personal Assistant
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 26-Nov-2026 13:41:03