IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.1908 of 2026
CNR No. ODHC010751412026

1) Krushna Chandra Satapathy	***.....***	***Petitioners***
2) RABI NARAYAN SATAPATHY 3) SATYA NARAYAN SATAPATHY 4) ANUP SATAPATHY 5) MEERA @ ARUNIMA SATAPATHY 6) BINI SATAPATHY		Represented by Adv. - Ashok Kumar Mohapatra

-versus-

1) DEEPAK DAS	***.....***	***Opposite Parties***
2) MITANJALI DAS 3) MEENAKSHI DAS		Represented by Adv. -

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
10.11.2026

Order No. **I.A. No.2050 of 2026**

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

2. This is an Interlocutory Application with a prayer for deletion the name of Petitioner No.6 from the cause title in the present CMP application.

3. Learned counsel for the Petitioner at the outset contended that the Petitioner No.6 has died during the pendency of the suit. However, inadvertently her name has been included and typed out in the cause title of the present CMP application. In the aforesaid

context, learned counsel for the Petitioner referred to the cause title of the impugned order at Annexure-8 and submitted that the name of the Petitioner no.6 has already been deleted from the trial Court record.

4. Considering such submission, it is directed that the name of the Petitioner no.6 be struck off from the record.

5. Accordingly, the I.A. stands allowed.

CMP No.1908 of 2026

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

7. By filing the present application under Article 227 of the Constitution of India, the Defendant in C.S. No.268 of 2018 pending in the Court of learned Civil Judge (Junior Division), Khurda has approached this Court thereby challenging the impugned order dated 05.08.2026 passed in the abovenoted suit.

8. Learned counsel for the Petitioner at the outset contended that the Opposite Party-Plaintiff initially filed a suit for declaration and other consequential reliefs. He further contended that initially the Defendants were set ex-parte vide dated 26.11.2019. He further submitted that such fact was not within the knowledge of the defendants as immediately thereafter the Covid-19 pandemic had begun. He further submitted that while the suit was posted for argument it came to the knowledge of the Defendants that they have been set ex-parte in the suit. Accordingly, the Defendants filed CMA No.17 of 2025 with a prayer for setting aside such ex-parte

order under Order 9 Rule 7 of the CPC. It is further alleged by the learned counsel for the Defendants that such application was not taken up promptly by the learned trial Court and that the learned trial Court proceeded with the hearing of the suit and the same is at the argument stage. He further contended that at the stage of the argument an application was moved on behalf of the Defendants with a prayer to stay the argument in the suit till disposal of the abovenoted CMA No.17 of 2025. Such application having been rejected by the learned trial Court, the Petitioner has approached this Court by filing the present CMP application.

9. Upon hearing of the learned counsel for the Petitioner, on a careful examination of the factual background of the present case and further on a close scrutiny of both the impugned orders dated 21.07.2026 as well as 05.08.2026, this Court found that the CMA filed by the Petitioner under Order 9 Rule 7 has not been considered and disposed of as yet. In the aforesaid factual backdrop, this Court deems it proper to dispose of the present CMP application by directing the learned trial Court to dispose of CMA No.17 of 2025, if the same has not been disposed of yet, as expeditiously as possible, preferably within a period of four weeks from the date of production of certified copy of today's order, which shall be done within a period of seven days from today. If the Petitioner fails to approach the learned trial Court within seven days, the order shall automatically stand annulled. It is further directed that after disposal of the CMA No.17 of 2025, the learned trial Court shall proceed with the argument of the suit and pass necessary consequential order. Considering the fact that the suit is of the year, 2018 it is further

directed that the learned trial Court shall make an every endeavour to dispose of the suit at the earliest.

10. With the aforesaid observation, the CMP application stands disposed of.

(A.K. Mohapatra)
Judge

Sisir

Signature Not Verified
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Signed by: SISIR KUMAR SETHI
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 11-Nov-2026 17:38:21