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IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 1778 of 2026

CNR NO. -ODHC010787262026

An application under Article 227 of the Constitution of India

Umesh Chandra Jagati ***… Petitioner***

-versus-

Subal Patra and 25 others ***… Opposite Parties***

Advocates appeared in this case through Hybrid Mode :

For Petitioner : Mr. Prafulla Kumar Biswal, Advocate

For Opposite Parties :

CORAM:

HON'BLE MISS JUSTICE SAVITRI RTHO

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Date of Hearing & Judgment: 31.10.2026

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Savitri Ratho, J. This CMP has been filed by the plaintiff for issue of a direction to the learned Civil Judge, (Senior Division), Pattamundai to dispose of Civil Suit No. 47 of 2021 within a specified stipulated period. This matter was taken on board.

2. In view of the nature of the order, I propose to pass, I do

not consider it necessary to issue notice to the Opposite Parties and hear them, before doing so.

BRIEF FACTS

3. Civil Suit No. 47 of 2021 was filed praying for declaration, evicting, recovery of possession and permanent injunction in respect of the suit schedule lands.

SUBMISSIONS

4. Mr. P. K. Biswal, learned counsel for the Plaintiff-Petitioner submits that he has filed the certified copy of the order sheet in Civil Suit No. 47 of 2021 containing orders up to 08.07.2026, perusal of which would reveal that the defendants have adopted various dilatory tactics and prevented disposal of the suit for which the suit is still pending compelling him to approach this Court for issue of a direction for its disposal.

5. Mr. Biswal, learned counsel for the Petitioner is however unable to submit the next date in the suit for which the matter is passed over to enable him to take instructions and inform the Court about the next date to which the suit is posted.

Later

6. Mr. Biswal, learned counsel for the Petitioner submits that now the suit is posted to 17.11.2026 for carrying out the amendment.

ANALYSIS AND CONCLUSION

7. Perusal of the order sheet reveals that after appearance of the defendants 1 to 26 in the suit, the suit had been posted to 22.12.2021 for filing of written statement. As written statement was not filed in spite of several adjournments on 04.03.2022, the defendants were debarred from filing written statement. Thereafter, on 20.02.2023, the petition filed by the defendants for accepting the written statement was allowed subject to payment of cost of Rs. 100/-. After payment of cost on 06.03.2023, the written statement of defendants was accepted. Then issues were settled on 05.07.2023. P.W.1 was examined on behalf of the plaintiff on 17.11.2023 but his cross-examination was not completed by the defendant in spite of several adjournments. On 04.04.2024, the advocate for the defendant filed a memo retiring from the case and on the same day, the learned trial Court accepting the memo of the

learned counsel for the defendant, discharged P.W.1 and issued summons to the defendants. On 26.06.2024, defendant Nos. 4,5,11,12,16,9,20 and 14 filed fresh vakalatnama through another counsel and after several adjournments on 25.04.2025, the learned trial Court directed that the suit should proceed under Order 17 Rule 2 of the CPC as the defendants were found not taking any steps in the case and were absent in the Court. On 15.07.2025, the application filed by defendants No. 5,6,7,4,8,9,12,14,15,16,13,20,21,22,10 & 11 to recall order dated 25.04.2025 was allowed and P.W.2- Asit Kumar Panda was examined in-chief on that day and cross-examined by the contesting defendant on the same day. The evidence from the side of the plaintiff was closed on that day, as he filed a memo to close his evidence. The case was posted to 11.08.2025 for evidence from the side of the defendants. The case was adjourned on 11.08.2025, 12.09.2025, 22.10.2025, 29.10.2025, 13.11.2025 on prayer of the counsel for the defendants for adducing evidence and on 28.11.2025, evidence from the side of the defendants was closed and the case was posted to 23.12.2025 for argument. Thereafter, the case was adjourned on 23.12.2025, 02.01.2026, 05.01.2026,

09.01.2026. On 09.01.2026, the petition filed on 28.11.2025 by the defendant for recall of P.W.1 for his cross-examination was allowed subject to payment of cost of Rs.500/-. However, cost was not paid by 22.01.2026, for which the case was adjourned to 23.02.2026, when P.W.1 was further cross-examined by the Advocate for defendants and the case was posted to 25.03.2026 and thereafter to 04.04.2026 for argument. On 04.04.2026, an application was filed by the defendants to recall order dated 28.11.2025. This application was allowed on 20.04.2026 subject to payment of cost of Rs.300/- by 29.04.2026. On 29.04.2026, order dated 28.11.2025 was recalled and the case was posted to 16.05.2026 for evidence from the side of the defendants. On prayer of the counsel for the defendants on 16.05.2026, the matter was adjourned to 19.06.2026. On 19.06.2026, evidence was not adduced and a time petition was filed by the defendant for adducing evidence. After perusing the case record, the learned trial Court rejected the time petition and posted the case to 08.07.2026 for argument, observing that the defendants had taken several adjournments. On 08.07.2026, argument has been heard in part by the learned trial Court and the case was adjourned to 21.07.2026

for further argument. As mentioned on instructions, Mr. Biswal, learned counsel for the Petitioner has submitted that the suit is now posted to 17.11.2026.

8. This Court does not as a matter of course direct the learned trial Court to dispose of any case within a stipulated time by fixing any time limit, in the absence of compelling circumstances.

9. This is because a Court be it the trial Court or the High Court is the master of its own roster and has the authority and liberty to decide as to how best the cases on its Board/roster can be disposed of expeditiously. In the present case, the facts are tell-tale. It is apparent from a perusal of the order sheet that the defendants are delaying disposal of the suit and on many occasions the time petitions filed by the defendants have been allowed mechanically by the learned trial Court.

10. The CMP is therefore disposed of requesting the learned Civil Judge, (Senior Division), Pattamundai to make an endeavor to dispose of the suit within a period of four months from the date of receipt of this order and for this purpose not to grant unnecessary adjournments to any party.

11. It is however made clear that while refusing to grant unnecessary adjournments , the learned trial Court should ensure that no party is deprived from getting due opportunity of hearing.

12. The CMP is disposed of with the aforesaid observations and directions.

13. As the CMP has been disposed of without hearing the Opposite Parties, they are at liberty to apply for modification / recall of this judgment in case the Petitioner has suppressed material facts which have resulted in passing of this judgment and caused prejudice to them.

14. Copy of the order be communicated to the learned Civil Judge (Senior Division), Pattamundai by the Registry forthwith.

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(Savitri Ratho)
Judge

Orissa High Court, Cuttack
Dated the 31st October 2026 /Subhalaxmi

Signature Not Verified
Digitally Signed
Signed by: SUBHALAXMI PRIYADARSHANI SAHOO
Reason: Authentication
Location: Orissa High Court, Cuttack
Date: 02-Nov-2026 20:51:40