IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.1865 of 2026
CNR No. ODHC010810952026

Priya Pradhan **.....** ***Petitioner***

Represented by Adv. –
Ms. Sumitra Mohanty

-versus-

1) RANJIT SAHU **.....** ***Opposite Parties***
2) ANUCHHAYA SAHU Represented by Adv.
3) MOTIRAM BISWAL -

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA
ORDER
10.11.2026

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 application under Article 227 of the Constitution of India, the Plaintiff in C.S. No.42 of 2018 pending in the Court of learned Civil Judge (Senior Division), Kantabanji has approached this Court thereby challenging the impugned order dated 18.09.2026 at Annexure-1 to the CMP application. By virtue of the impugned order dated 18.09.2026 (Annexure-1), the learned trial Court has set aside the order precluding the defendant from filing Written Statement.

4. Learned counsel for the Petitioner at the outset contended that the Petitioner is the Plaintiff initially filed a suit for declaration and

for consequential relief. The suit was decreed ex-parte thereafter at the instance of the defendant no.3 and on an application filed under Order 9 Rule 13 to set aside the ex-parte decree, the learned trial Court was pleased to set aside the ex-parte decree. She further contended that after the ex-parte decree was set aside and opportunity was granted to the defendant however, the defendant did not file that W.S. promptly and went on to take time and adjourn the suit on several occasions. He further contended that finally the defendants were precluded from filing W.S. and the suit was supposed to proceed further, however in the meantime, the defendant no. 1 again filed an application to set aside the order precluding the defendants from filing W.S. Such application was filed on the ground that the defendant was ailing, but such plea was not supported by any documentary evidence. By virtue of the impugned order dated 18.09.2026, the learned trial Court, showing lenience, has allowed the prayer of the defendant no.1 and the order precluding the defendant to file W.S. dated 13.08.2026 has been set aside. The sole grievance of the Plaintiffs in the present case is that the defendants are only dragging the litigation which was originally initiated in the year 2018. She further submitted that in the meantime, almost eight years have elapsed and the suit has not progressed further.

5. Having regard to the submissions made by the learned counsel for the Petitioner, on a careful analysis of the factual background of the present case, further taking note of the impugned order dated 18.09.2026, this Court found that the defendants have exhibited lackadaisical attitude in the suit proceeding and the delay in disposal

of the suit is solely attributable to the defendants. However, the learned trial Court has shown extremely leniency to the defendants by setting aside the order precluding the defendants from filing the W.S. Since the order has been passed setting aside the order precluding the defendants for filing the W.S., this Court is not inclined to interfere with such order, however this Court found that the cost imposed by the learned trial Court is not commensurate with the injury caused to the Plaintiffs due to undue delay and disposal of the suit. Such delay cannot be attributed to the Plaintiffs. In such view of the matter, this Court deems it proper and since in the interest of justice to enhance the cost imposed by the learned trial Court. Accordingly, the cost imposed by the learned trial Court with enhance of Rs.200/- to Rs.2000/- cost be paid to the Plaintiff by the Defendant No.1 in the Court below. Subject to payment of the aforesaid cost W.S. of the defendants be accepted within a period of two weeks, failing which the defendants shall not be given any opportunity to file any W.S. in the event, any W.S. if filed shall be accepted. In the aforesaid factual backdrop, this Court directs the learned trial Court to expedite the trial and to make every endeavour to conclude the trial within a period of six months from today. Both sides are directed to cooperate with the learned trial Court for early disposal of the suit.

6. Accordingly, the CMP application stands disposed of.

(A.K. Mohapatra)
Judge

Signature Not Verified
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Signed by: SISIR KUMAR SETHI
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 12-Nov-2026 13:17:09