IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.1828 of 2026
CNR No. ODHC010832082026

Snehalata Pati ..... ***Petitioner***

Represented by Adv. - Manmaya Kumar Dash

-versus-

Laxmipriya Jena & Anr. ..... ***Opposite Parties***

Represented by Adv. - Mr. S.Palit, Sr. Adv. (O.P-1) Amitabh Mishra, Adv (O.P.2)

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

Order No. **26.11.2026**

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

2. Heard learned counsel for the Petitioner as well as Mr. S.Palit, learned senior counsel for the Opposite Party No.1 and Mr. Amitabh Mishra, learned counsel for the Opposite Party No.2. 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.2578 of 2026, pending before the learned Civil Judge (Senior Division), Bhubaneswar, has approached this Court challenging the impugned order dated 13.10.2026 at Annexure-7, whereby the learned trial court has rejected the Plaintiff's application under Order 39 Rule 3 of the CPC.

4. Learned counsel for the Petitioner, at the outset, contended that

the Petitioner as plaintiff filed a suit for declaration, possession and injunction along with a suit an application was filed under Order 39 Rule 1 & 2 and Rule 3 of the CPC. The application filed under Order 39 Rule 3 was placed into service at initial stage and the same having been rejected vide the impugned order dated 13.10.2026, the Petitioner has approached this Court by filing the present CMP application.

5. Learned counsel for the Petitioner, at the outset, contended that since the defendants are carrying out construction work under the suit scheduled property, there was urgency to take up the application under Order 39 Rule 3 and for passing of the necessary interim order to protect the suit scheduled land. However, the learned trial court, by virtue of the impugned order, has rejected the application of the plaintiff under Rule 3. It is stated at bar that the application under Order 39 Rule 1 & 2 is ready for hearing and all the parties have appeared and the same is posted for hearing on 27.11.2026.

6. Upon hearing learned counsel appearing for the respective parties, on a careful examination of the background facts and on a close scrutiny of the impugned order, this Court deems it proper to dispose of the present CMP application by directing the learned trial court to take up and dispose of the application of the plaintiff under Order 39 Rule 1 & 2 as expeditiously as possible, preferably within a period of three weeks after providing of opportunity to the parties concerned. It is further directed that till disposal of the application for a period of three weeks. The parties shall maintain status quo with regard to the suit scheduled land. It is further made clear that the learned trial court while considering the application under Order 39 Rule 1 & 2 shall not be influenced by the present interim

arrangement and such application shall be considered strictly on its merits and on the basis of the argument and materials placed by the respective parties.

7. With the aforesaid observations and directions, the CMP stands disposed of.

8. Issue urgent certified copy of this order as per Rules in course of the day.

(A.K. Mohapatra)

Judge

Rubi

Signature Not Verified
Digitally Signed
Signed by: RUBI BEHERA
Reason: Authentication
Location: OHC
Date: 26-Nov-2026 18:50:18