IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.1881 of 2026

CNR No. ODHC010842342026

Dharmendra @ Dharmendra Kumar Biswal ..... ***Petitioner***

Represented by Adv. - Ashok Kumar Sahoo

-versus-

Bimal Kumar Biswal and others ..... ***Opposite Parties***

Represented by Adv. -

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
05.11.2026

Order No.

01. 1. This matter is taken up through Hybrid 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.224 of 2026, pending in the Court of learned Senior Civil Judge, Pattamundei has approached this Court challenging the impugned order dated 01.08.2026 as well as 01.10.2026.

4. Learned counsel for the Petitioner, at the outset contended that the plaintiff, as Petitioner, filed a suit for partition along with

other ancillary reliefs. He further submitted that along with the plaint the plaintiff filed an application under Order-39, Rule-1 & 2 as well as Rule-3 of CPC. The learned trial Court by virtue of the impugned order adjourned the matter, as a result of which, the plaintiff's prayer for ad-interim injunction order was not adjudicated. Further, referring to the impugned order dated 01.10.2026, learned counsel for the Petitioner contended that earlier the matter was before the learned trial Court on 01.08.2026 and the same was adjourned to 01.10.2026. On 01.10.2026 the learned trial Court has granted time to the Opposite Parties to file the objection and adjourned the matter to 07.01.2027. In the aforesaid factual background, learned counsel for the Petitioner contended that the learned trial Court has failed to realise the urgency involved in the matter and the application filed under Order-39, Rule-1 & 2 of CPC has been adjourned liberally. He further submitted that the plaintiff apprehends that the defendant might misuse the liberty. Particularly, the defendant No.4, who is Opposite Party No.4 here and a stranger to the suit, is likely to proceed with the construction work which would cause serious prejudice to the plaintiff-Petitioner.

5. Taking into consideration the aforesaid factual background and the urgency involved in the matter, the present CMP application is being disposed of by granting liberty to the Petitioner to approach the learned trial Court along with a certified copy of today's order. On production of a copy of today's order, the learned trial Court shall give two weeks' time to the Opposite Parties to file their objection. Thereafter, the learned trial Court shall consider and dispose of the injunction application within four weeks thereafter. As an interim, it is further directed that the parties to the suit shall

maintain status-quo over the suit scheduled land. However, while considering the injunction application, the learned trial Court shall not be influenced by the aforesaid interim protection granted by this Court and pass orders on merits taking into consideration the submissions and pleadings of the respective parties.

6. With the aforesaid observations/directions, the CMP application stands disposed of.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout

Signature Not Verified
Digitally Signed
Signed by: SANTANU KUMAR ROUT
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 05-Nov-2026 17:49:33