IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.1922 of 2026
CNR No. ODHC010860542026

Satyanarayan Khandei & Ors. ..... ***Petitioners***

Represented by Adv. - Tusar Kumar Mishra

-versus-

Santosh Kumar Khandei & Anr. ..... ***Opposite Parties***

Represented by Adv. -

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
17.11.2026

Order No.

01. 1. This matter is taken up through Hybrid Mode.

2. Heard learned counsel for the Petitioners. Perused the CMP as well as the prayer made therein.

3. By filing the present application under Article 226 of the Constitution of India, the defendant Nos.2, 3 & 5 in the CS No.73 of 2020 have approached this Court thereby challenging the impugned order dated 29.10.2026 passed in IA No.220 of 2026 filed by the Opposite Party No.1 under Section 151 of the CPC with a prayer for a direction to provide police help to implement the status quo order passed on 21.06.2021.

4. Learned counsel for the Petitioners, at the outset, contended that initially the Opposite Party No.2, as plaintiff, filed a suit for partition and for other ancillary reliefs. Along with the plaint, the plaintiff-Opposite Party No.2 filed an application under Order 39

Rule 1 and 2 of the CPC. Such application was taken up in presence of all the parties and vide order dated 21.06.2021, the learned trial Court directed the parties to maintain status quo with regard to the suit schedule properties.

5. While the matter stood thus, alleging violation of such order, the Opposite Party No.1 approached the learned trial Court by filing an application under Order 39 Rule 2A of the CPC. Along with such application, the Opposite Party No.1, as defendant No.4, also filed an application under Section 151 of the CPC seeking police help for implementation of the status quo order dated 21.06.2021. Learned counsel for the Petitioners further countered that although notices have not been issued in the application filed by the defendant No.4 under Order 39 Rule 2A of the CPC, however, in the present application filed under Section 151 of the CPC, the plaintiff was only noticed, who is the Opposite Party No.1 in the above noted IA. Learned counsel for the Petitioners, at the outset, contended that after hearing the defendant No.4 and plaintiff-Opposite Party No.1, the learned trial court disposed of the aforesaid IA vide impugned order dated 29.10.2026, on contest in respect of the Opposite Party No.1 and ex parte against Opposite Party Nos.2, 3 and 4, with the further observation that the Petitioner, who is the defendant No.4, is at liberty to approach the IIC, Korei P.S to implement the status quo order dated 21.06.2021 passed in IA No.35 of 2020. The concerned IIC was further directed to implement the status quo order dated 21.06.2021 and make sincere endeavor to maintain normalcy and peace over the suit schedule land. Being aggrieved by such order, the Petitioners, who are the Opposite Party Nos.2 to 4 in the abovenoted I.A, have

approached this Court by filing the present CMP.

6. Learned counsel for the Petitioners, while assailing the impugned order dated 29.10.2026, at the outset, contended that such order has been passed behind the back of the present Petitioners. He further submitted that the defendant No.4 along with the application under Order 39 Rule 2A of the CPC filed an application under Section 151 CPC seeking police help. He further contended that when the application under Order 39 Rule 2A is pending, such an application under Section 151 is not maintainable. It was also contended that no notice was issued to the present Petitioners before passing the impugned order dated 29.10.2026. On such ground, learned counsel for the Petitioners contended before this Court that the impugned order passed by the learned trial Court is unsustainable in law and, accordingly, a prayer was made to set aside such order and to remand the matter back to the trial Court for fresh adjudication.

7. Having regard to the submissions made by learned counsel appearing for the Petitioner, on a careful examination of the background facts, further on a close scrutiny of the impugned order dated 29.10.2026, this Court observes that earlier an injunction order of status quo was passed by the learned trial Court on 21.06.2021 in IA No.35 of 2020, after providing opportunity of hearing to the parties. There is nothing on record which would reveal that any appeal was preferred by any of the parties against order dated 21.06.2021. Thus, there is no dispute that the order directing the parties to maintain status quo dated 21.06.2021 has attained finality. While this was the position, the defendant No.4, alleging violation of the injunction order, approached the learned

trial Court by filing the abovenoted two applications. While the application under Order 39 Rule 2A of the CPC was pending, the application filed under the under Section 151 of the CPC with a prayer for police protection was taken up first. It further appears that such application was contested by the Opposite Party No.1 by filing his objection and the same was decided ex-parte against Opposite Party Nos.2, 3 and 4. The Petitioners, being the Opposite Party Nos.2 to 4, have admittedly not been noticed and they were not provided with an opportunity to file their objection to the IA filed under Section 151 CPC.

8. This Court further considers the order passed by the learned trial Court under Section 151 of the CPC. On perusal of the impugned order dated 29.10.2026, this Court finds that the learned trial Court has directed the IIC, Korei P.S to ensure implementation of the status quo order dated 21.06.2021 passed in IA No.35 of 2020. Thus, this Court finds no irregularity in such order, though no opportunity of hearing was provided to the Petitioners. This Court further observes that while ensuring implementation of the status quo order dated 21.06.2021, the IIC, Korei P.S shall also give opportunity to the present Petitioners to put forth their case. In such view of the matter, this Court is of the view that the impugned order does not call for any interference by this Court in exercise of its jurisdiction under Article 227 of the Constitution of India. However, while disposing of the present application, this Court directs the learned trial Court to expedite the hearing of the application under Order 39 Rule 2A of the CPC filed by the defendant No.4 and the same shall be decided after providing opportunity to all concerned and without being influenced by the impugned order dated 29.10.2026. Further, the IIC, Korei P.S is

directed to provide an opportunity of hearing to the present Petitioners at the time of ensuring implementation of the status quo order dated 21.06.2021, passed in IA No.35 of 2020 arising out of the abovenoted suit.

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

.

(A.K. Mohapatra)
Judge

Anil

Signature Not Verified
Digitally Signed
Signed by: ANIL KUMAR SAHOO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 18-Nov-2026 11:14:30