IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.1924 of 2026
CNR No. ODHC010860752026

Sk.Fakiruddin ..... ***Petitioner***

Represented by Adv. - Jitendra Kumar Mishra (2)

-versus-

Sk.Riazuddin & Ors. ..... ***Opposite Parties***

Represented by Adv. -

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA
ORDER
09.11.2026

Order No.

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

2. Heard learned counsel for the plaintiff-Petitioner. Perused the CMP as well as the prayer made therein.

3. By filing the present application under Article 227 of the Constitution of India, the plaintiff-Petitioner in C.S No.1188/742 of 2017 pending in the court of learned Civil Judge (Senior Division), Balasore has approached this Court thereby challenging the conduct of the learned trial court in entertaining the application filed at the instance of the stranger challenging the decree which was drawn on the basis of a compromise arrived at between the plaintiff and defendant in a National Level Lok Adalat at Annexure-5 to the CMP.

4. Learned counsel for the Petitioner, at the outset, contended that the plaintiff initially filed a suit for partition along with other consequential reliefs. During the pendency of the suit, the plaintiff

and defendants came together and compromise the matter before a National Level Lok Adalat. Accordingly, a compromise decree was drawn. He further contended that 9 years after such compromise decree was passed. The Opposite Parties-strangers moved an application which was registered as CMA No.34/98 of 2025 to set aside such compromise decree. Such application has been accepted and the same has been posted for hearing. Being aggrieved by the acceptance of such application by the learned trial court, the plaintiff has approached this Court by filing the present CMP questioning the maintainability of such application. He further submitted that the plaintiff has already filed an application questioning the maintainability of such application which is at Annexure-6 and pending before the learned trial court.

5. In view of the aforesaid position, this Court deems it proper to dispose of the present CMP by directing the learned trial court to consider and dispose of the application filed at the instance of the stranger by taking into consideration the plaintiff's application and objection with regard to the maintainability. The learned trial court shall do well to dispose of the application strictly in accordance with law and after providing an opportunity of hearing to all concerns including the present Petitioner.

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

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(A.K. Mohapatra)
Judge

Anil

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Signed by: ANIL KUMAR SAHOO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 10-Nov-2026 17:26:45