**IN THE HIGH COURT OF ORISSA AT CUTTACK**
**CMP No.1934 of 2026**
**CNR No. ODHC010866012026**

***Abuli Samal*** **.....** ***Petitioner***

Represented by Adv. -
Bhabani Sankar Das

*-versus-*

***Subash Chandra Samal and others*** **.....** ***Opposite Parties***

Represented by
Adv. -

**CORAM:**
**THE HON'BLE 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 Petitioners. Perused the CMP application as well as the prayer made therein.

3. By filing the present CMP application under Article 227 of the Constitution of India, 1950, the Defendant No.5 in the suit vide C.S. No.63 of 2025 pending in the Court of learned Civil Judge, Junior Division, Kujanga has approached this Court with a prayer for direction to the learned Trial Court to take up and dispose of the CMA No.17 of 2026 as expeditiously as possible.

4. The learned counsel for the Petitioner, at the outset, contended that initially the Opposite Party/Plaintiff filed a suit for partition and other consequential reliefs. However, he further submitted that the Defendant No.5, who has been residing over the suit schedule land,

requires permission from the Court for carrying out the renovation of the residential house. Accordingly an application was moved under Order 39, Rule 4 of the C.P.C. before the learned Trial Court. He further contended that although such application was filed on 19.02.2026, however, the same has not been taken up as of now by the learned Trial Court.

5. Being aggrieved by such delay in considering the CMA No.17 of 2026, the Defendant/Petitioner has approached this court by filing the present application.

6. Taking into consideration, the submissions made by the learned counsel for the Petitioner, and on a careful examination of the averments made in the present Petition, this court is of the view that the present application can be disposed of by directing the learned Trial Court to expedite the hearing of CMA No.17 of 2026. If the same has not been disposed in the meantime, every endeavour shall be made by the learned Trial Court to dispose of such application as expeditiously as possible preferably within a period of eight weeks after providing opportunity of hearing to all concerned parties.

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

***(Aditya Kumar Mohapatra)***
***Judge***

*Binayak*

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Location: High Court of Orissa, Cuttack
Date: 11-Nov-2026 11:18:41