IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.1953 of 2026
CNR No. ODHC010871142026

Bisaya Mohanty **.....** ***Petitioner***

Represented by Adv. - Arya Dash

-versus-

Sakhi Behera and others **.....** ***Opposite Parties***

Represented by Adv. -

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
11.11.2026

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.39 of 2014, pending in the Court of learned Civil Judge (Senior Division), Kujang has approached this Court challenging the impugned order dated 02.09.2026 at Annexure-4, whereby the learned trial Court has rejected the plaintiff's application under Order-18, Rule-1, 2 & 3 read with Section 151 of CPC seeking for a direction to the defendants to begin their evidence first.

4. Learned counsel for the Petitioner, at the outset, contended that the Petitioner, as plaintiff, filed a suit for declaration and for recovery of the compensation amount that has been paid to the

defendants. He further submitted that the defendants have filed their written statement at Annexure-2 to the CMP application. Further, referring to the written statement, learned counsel for the Petitioner contended that the defendants have admitted specifically with regard to the title of the plaintiff. On such ground, learned counsel for the Petitioner contended that in view of such admission of the title of the plaintiff over the suit scheduled land the learned trial Court should have asked the defendants to begin with their evidence first.

5. On a careful analysis of the submissions made by the learned counsel for the Petitioner, further on a close scrutiny of the impugned order dated 02.09.2026, this Court found that the plaintiff filed the application under Order-18, Rule-1, 2 & 3 read with Section 151 of CPC on the basis of the fact that the defendants have admitted the title of the plaintiff over the suit scheduled land in their written statement. On perusal of the written statement, this Court found that the defendants in their written statement have admitted the following;

> *"Again it is submitted the predecessor of the some of the vendor of the plaintiff had got 1 anna interest as per RoR & the Plaintiff might have purchased their interest to which these defendants have nothing to comment anything."*

On a careful examination of the aforesaid statement of the defendants in their W.S., this Court found that the same is not clear and specific. Therefore, no inference can be drawn from such statement with regard to admission of the defendants regarding the title of the plaintiff over the suit scheduled land. Thus, on such basis,

the learned trial Court has not committed any error in rejecting the plaintiff's request for directing the defendants to begin first. In such view of the matter, this Court finds no scope to interfere with the impugned order dated 02.09.2026.

6. Accordingly, the CMP application stands disposed of.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout

Signature Not Verified
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Signed by: SANTANU KUMAR ROUT
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 11-Nov-2026 15:17:55