IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No. 2001 of 2026
CNR No. ODHC010875612026

Nibedita Sarangi ***.....*** ***Petitioner***

Represented by Adv. –
Sourav Suman Bhuyan, S. Sahoo

-versus-

Bidhu Bhusan Behera and others ***.....*** ***Opposite Parties***

Represented by Adv. -

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
18.11.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical 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 judgment-debtor in Execution Case No.68 of 2015 arising out of T.S. No.350 of 1998 pending in the Court of learned Civil Judge (Senior Division), 1st Court, Cuttack has approached this Court thereby challenging the impugned order dated 20.03.2026 at Annexure-8.

4. By virtue of the impugned order dated 20.03.2026, the learned trial Court rejected the application of the Petitioner-Defendant and JDR in the execution case challenging maintainability of multiple execution petitions for execution of a common decree.

5. Learned counsel for the Petitioner at the outset contended that the Opposite Party as Plaintiff initially filed a suit for declaration of right, title and interest and for permanent injunction along with other ancillary reliefs. The said suit which was registered as T.S. No.350 of 1998. The said suit was decreed by virtue of a judgment and decree dated 10.12.2014 of the Court of the Senior Civil Judge (Senior Division), 1st Court, Cuttack. He further contended that the original Plaintiff died during the pendency of the suit as a result of which his legal heirs, the decree holders were substituted in his place. He further contended that after the suit was decreed four different execution cases were filed by the decree holders who are none other than the substituted legal heirs of original Plaintiff.

6. Learned counsel for the Petitioner drawing attention of this Court the order referred to the order dated 07.07.2017 at Page-89 of the brief part of Annexure-6 and submitted before this Court that the learned trial Court had earlier passed an order indicating therein that all the execution proceedings will be taken up together for hearing. He further contended that

despite such order the execution cases were being listed separately.

7. While assailing the impugned order dated 20.03.2026 at Annexure-8, learned counsel for the Petitioner further contended that since there are multiple execution cases arising out of a single and common decree, the judgment-debtor moved an application before the learned trial Court questioning the maintainability of such multiple execution petitions. Such application having been rejected order dated 20.03.2026 he has approached this Court by filing the present application.

8. Having heard learned counsel appearing for the Petitioner- judgment-debtor and further taking note of the factual background of the present case and on a careful examination of the documents annexed to the CMP application, further on a close scrutiny of the impugned order dated 20.03.2026, this Court deems it proper to dispose of the present CMP application at the stage of admission by directing the learned trial Court to club all the execution cases which arise out of the judgment-decree dated 10.12.2014 passed in C.S. No.350 of 1998 of the Court of learned Civil Judge, 1st Court, Cuttack and take up such execution cases together/ analogously for hearing. It is further directed that every endeavour should be made to ensure that the execution case is completed as expeditiously as possible keeping in view the spirit of the law laid down by the Hon’ble Supreme

Court in the case of ***Periyammal (Dead) Thr.Lrs & Ors. Vrs. V. Rajamani & Anr. Etc.,*** *reported in* ***2015(I) OLR (SC)-933***.

9. With the aforesaid observation and direction, the CMP application stands disposed of.

10. Since the order has been passed in the absence of Opposite Parties, liberty is granted to the Opposite Parties to seek direction or modification of the order in the event it is found that the Petitioner has either supressed any material facts or misled the Court or any factual aspects of the matter.

(Aditya Kumar Mohapatra)
Judge

Sisir

Signature Not Verified
Digitally Signed
Signed by: SISIR KUMAR SETHI
Designation: Personal Assistant
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 21-Nov-2026 15:34:40