IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.2034 of 2026
CNR No. ODHC010908292026

Kalyani Swain & Others ..... ***Petitioners***

Represented by Adv. -
Ajit Chandra Mohapatra

-versus-

Bijay Kumar Swain & 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 mode.

2. Heard learned counsel for the Petitioners. 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 Petitioners, being the judgment debtors in Execution Case No.13 of 2012, pending before the Court of the learned Additional Civil Judge (Senior Division), Cuttack, have approached this Court challenging the notice dated 06.11.2026 issued under the signature of the Civil Court Commissioner of the Court of the learned District Judge, Cuttack.

4. Learned counsel for the Petitioners, at the outset, contended that the issue had earlier been raised before this Court in CMP No.1253 of 2026, at the instance of the judgment debtors, challenging the rejection of their petition under Section 47 of the C.P.C. by the learned Executing Court.

5. A Co-ordinate Bench of this Court, vide judgment dated 09.10.2026, refused to interfere with the impugned order. However, the learned Executing Court was specifically directed to proceed with the execution case and ensure that the demarcation and delivery of possession remained confined to the property covered by the decree. Referring to the aforesaid direction passed by this Court in the earlier CMP, learned counsel for the Petitioners contended that the notice issued by the Civil Court Commissioner does not reflect the correct plot number.

6. On perusal of the case record, it appears that the Petitioners have not approached the learned Executing Court to bring the aforesaid fact to its notice. In view thereof, this Court is not inclined to interfere with the impugned notice at this stage. However, liberty is granted to the Petitioners to raise the aforesaid issue before the learned Executing Court by filing an appropriate application. In the event such an application is filed, the learned Executing Court shall examine the aforesaid aspect and pass an appropriate order strictly in accordance with law.

7. With the aforesaid observation, the application stands disposed of.

(Aditya Kumar Mohapatra)
Judge

Bijay
Signature Not Verified
Digitally Signed
Signed by: BIJAY KETAN SAHOO
Designation: Sr. Stenographer
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 19-Nov-2026 12:48:03