



IN THE HIGH COURT OF ORISSA AT CUTTACK

RSA No.63 of 2026

Jatindra Pruseth

.....

Appellant

Represented by Adv. -
Prasanta Kumar
Satapathy

-versus-

***1) Odisha State Co-Operative
Marketing Federation Ltd.,
Bhubaneswar***

.....

Respondents

2) Asst.Registrar Co Operative
Societies Cum Secy. Kuchinda House
Building Cooperative Society Ltd.
3) Sachindra Pruseth

Represented by Adv. -
umakant sahu,h.k.dash,
j.k.mohapatra

Mr.G.Mohanty, SC

CORAM:

MR. JUSTICE ANANDA CHANDRA BEHERA

ORDER

09.04.2026

Order No.

02. 1. This matter is taken up through hybrid mode.
2. Heard the 2nd appeal from the learned Counsel for the Appellant and the learned counsel for the Respondent No.1 (caveator) on the point of admission.
3. Admit the 2nd appeal on formulation of the following substantial questions of law i.e.:-
- (i) “Whether, the suit vide C.S. No.35 of 2017 challenging the auction sale made by the Respondent No.2 as per The Orissa Co-operative Societies Act, 1962 was not maintainable in view of the bar provided under Sections 68 and 121 of the said Orissa Co-operative Societies Act, 1962



and whether, the special statute i.e. provisions of law envisaged under the special statute i.e. The Orissa Co-operative Societies Act, 1962 shall override the general statute i.e. Section 9 of the C.P.C., 1908?”

(ii) “Whether, the suit vide C.S. No.35 of 2017 filed by the Appellant was barred by Section 3 of the Indian Limitation Act, 1963 and the said suit was not maintainable under law and whether, the judgment and decree passed by the learned 1st Appellate court setting aside the judgment and decree passed by the learned Trial Court is sustainable under law?”

4. Issue notice to the Respondents.
5. The learned counsel for the Appellant is directed to file requisites within seven working days for issuance of notices to the Respondent Nos.2 and 3 through Speed Post.
6. No notice is required to be issued to the Respondent No.1, as the Respondent No.1 has already made his appearance through his learned Counsel.
7. Registry is directed to call for the photo copies of the LCRs of this 2nd appeal.
8. List this matter in the Month of October, 2026.

(ANANDA CHANDRA BEHERA)
Judge



03.

I.A. No.03 of 2026

1. Both the Parties are directed to keep the suit properties as it is in status quo without changing the nature and character of the same and without creating any third party interest till next date.
2. List this I.A. in the Month of October, 2026 for objection and hearing.
3. Urgent certified copy of this order be granted to the Appellant on proper application.

(ANANDA CHANDRA BEHERA)
Judge

Binayak