



IN THE HIGH COURT OF ORISSA AT CUTTACK

FA No.07 of 1984

Nrusingh Charan Jena

....

Appellant

Ms. S.Mohanty, Advocate

-versus-

Bairagi Jena & Ors.

....

Respondents

Mr. G.Mukherji, Sr.Advocate for PLRs of R.1

Mr. T.K.Mishra, Advocate for PLRs of R.9

CORAM:

JUSTICE B. P. ROUTRAY

ORDER

26.02.2026

I.A. Nos.1 of 2026 and 4 of 2026

Order No.

- 46.
1. Heard Ms. Mohanty, learned counsel for the Appellant, Mr. G.Mukherji, Sr.Advocate for PLRs of R.1 and Mr. T.K.Mishra, Advocate for PLRs of R.9.
 2. Mr. Mukherji and Mr. Mishra, learned counsels submits that no such execution proceeding is pending in respect of T.S.No.84 of 1980, but the final decree proceeding is pending where commission has been appointed and measurement has been completed. It is further submitted on behalf of the PLRs of Respondents 1 and 9 that all such Respondents are not appearing in the final decree proceeding, but only the PLRs of Respondents 1, 9 and 10 are appearing. Therefore, the notice cannot be treated sufficient in respect of all other Respondents.



3. It needs to be mentioned here that originally 60 Respondents were there in the appeal and as on date, as per the submission made at the bar, the total number of Respondents are increased to 116 due to death and substitution. Accordingly, order dated 23rd December 2025 of this court is modified to the extent that the notice on PLRs of Respondents 1 & 9 are treated sufficient and also in respect of one of the PLR, namely Bimal Kumar Jena, of Respondent No.10. In respect of rest of the Respondents or their PLRs, as the case may be, notice is not treated sufficient.

4. The Appellant is directed to take notice on those unserved Respondents by Speed Post with A.D. for which requisites shall be filed within seven working days. Office is directed to collect postal tracking report.

5. List this matter on 24th March 2026.

(B.P. Routray)
Judge

S.Das