



IN THE HIGH COURT OF ORISSA AT CUTTACK

SA No.57 of 1987

Nilamani Padhan and others

.....

Appellants

Represented By Adv. -
M/s.S.Misra-2

-versus-

***Somanath Mohapatra(since dead)
through his LRs.***

.....

Respondent

Represented By Adv. –
Mr. P.K. Singhdeo,
Advocate appearing on
behalf of Mr. D.
Mohapatra, Sr.
Advocate

CORAM:

**THE HON'BLE MR. JUSTICE ANANDA CHANDRA
BEHERA**

ORDER

29.07.2025

Order No.

33. 1. This matter is taken up through hybrid mode.
2. Learned counsel for the appellants and the learned counsel for the Respondent No.1(h) are present.
3. Heard learned counsels of both the sides.
4. After hearing from the learned counsels of both the sides, it is felt proper to formulate the substantial questions of law afresh after expunging the formulated substantial questions of law as per order dated 23rd March, 1987.



5. The newly formulated substantial questions of law are as follows:-

(i) Whether the suit is hit by Section 39 of the Orissa Estate Abolition Act?

(ii) Whether the Civil Court has jurisdiction to adjudicate disputed question of possession in view of the provisions contained in Sections 7 and 39 of the Orissa Estate Abolition Act?

(iii) When both the Trial Court as well as Appellate Court has found that, the plaintiff has no title to the suit land, whether the order of the Appellate Court is sustainable in the eye of law directing to deliver possession of the suit land?

(iv) Whether the suit filed by the plaintiff is liable to be dismissed for non-joinder of necessary party, i.e., State of Odisha after vesting of the suit land to the State Government?

6. This 2nd appeal be listed on 07.08.2025 for hearing.

(ANANDA CHANDRA BEHERA)
Judge

Jagabandhu