



IN THE HIGH COURT OF ORISSA AT CUTTACK

SA No. 265 of 2004

Bhuta Majhi

....

Appellant

Mr. R.K. Agarwal, Adv.

-Versus -

Ligu @ Suna Murmu and others

....

Respondents

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

23.03.2026

Order No.
15.

1. This matter is taken up through hybrid mode.
2. Heard Mr. R.K. Agarwal, learned counsel for the appellant.
3. Perused the impugned judgments. Considering the submissions made and the grounds raised, the second appeal is admitted on the following substantial questions of law.

“(i) When the suit for partition is dismissed in favour of the defendant and there is no scope for appeal against the finding given against the defendant relating to status of plaintiff in the family of defendant. Whether the said finding will operate as res judicata against the defendant in a subsequent suit filed by the plaintiff.

(ii) When in the earlier suit for partition the defendants therein had disputed the relationship of plaintiff with Suna and the said suit- was dismissed but with a finding of prior partition whether the defendants therein being defendants in the present suit are precluded from raising the same question by virtue of Explanation IV to Sec. 11 of C.P. Code?



4. Issue notice to the respondents by speed post, returnable within four weeks. Requisites shall be filed within three working days.
5. Call for the LCR.
6. List this matter for hearing on 29th June, 2026.

(Sashikanta Mishra)
Judge

A.K. Rana