



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.185 of 2026

Narottam Praharaj and others

Petitioners

Represented by Adv. -
Ajit Chandra Mohapatra

-versus-

Sriram Pati and others

Opposite Parties

Represented by Adv. -

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA

ORDER
24.02.2026

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 Appellant in R.F.A. No.12 of 2023 pending before the Addl. District Judge, Salepur has approached this Court challenging order dated 12.12.2025 passed on an application filed under Section 10 of the CPC by the Appellant seeking stay of further proceeding in the appeal on the ground that a revision case is pending for consideration before the Commissioner Consolidation and Settlement, Cuttack.
4. Learned counsel for the Petitioner at the outset contended that the plaintiffs-Opposite Parties filed a suit for permanent injunction against the Petitioners. He further submitted that the suit was



decreed in favour of the plaintiff. Thereafter, the defendants have preferred the above noted R.F.A. which is pending before the learned First Appellate Court. During the pendency of the suit the consolidation operation started in the area. Accordingly, the matter is now pending before the Commissioner Consolidation and Settlement, Cuttack in a proceeding under Section 36 of said Act. In the aforesaid factual background, the defendant-Appellant before the First Appellate Court moved an application under Section 10 of the CPC with a prayer for stay of the appeal till disposal of the revision petition pending before the Commissioner Consolidation and Settlement, Cuttack. Such application having been rejected by the learned trial Court vide order dated 12.12.2025 at Annexure-1, the Appellant-Petitioner has approached this Court by filing the present application. On perusal of the impugned order dated 12.12.2025, this Court observed that the learned trial Court after taking note of the entire factual background as well as by virtue of a detailed and reasoned order has disposed of the application of the Petitioner under Section 10 of the CPC, thereby refusing to stay the proceeding in the regular first appeal.

5. On further perusal of the impugned order, it appears that in the ultimate conclusion, the First Appellate Court has held that the Petitioner has failed to file records indicating pendency of the revision cases bearing No.191/2017 and 197/2017 in the court of Joint Commissioner Consolidation and Settlement Odisha, Cuttack. It has also been indicated that the pendency of the aforesaid proceeding was well within the knowledge of the Appellant, however, no application was filed under Section 10 of CPC till filing of the present application at a belated stage.



6. On a careful consideration of the finding of the learned trial Court, this Court is of the view that the learned trial Court has not committed any illegality in passing order dated 12.12.2025. On the request of the learned counsel for the Petitioners that he has the documents in his possession he could not file along with his application under Section 10 of CPC, he is granted liberty to move a fresh application along with documents under Section 10 of CPC within two weeks from today. In such eventuality, the learned First Appellate Court shall do well to consider and dispose of such application strictly in accordance with law within a period of two months from the date of filing of such application after providing opportunity to both sides. This Court has not expressed any opinion on the merits of such application.

7. With the aforesaid observation/direction, the CMP application stands disposed of.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout