



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.197 of 2026

Sarat Patra

.....

Petitioner

Represented by Adv. -
Amitav Tripathy

-versus-

Kuma Patra

.....

Opposite Party

Represented by Adv. -

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

ORDER
19.02.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner. Perused the CMP application as well as the prayer made therein.
3. The plaintiff in the subsequent suit has approached this Court by filing the present application thereby challenging order dated 15.09.2025 passed by the learned Civil Judge, Senior Division, Khandapara in Execution Case No.9 of 2025.
4. Learned counsel for the Petitioner, at the outset, contended that the parties had initially instituted a civil suit bearing C.S. No. 110/151 of 2019 seeking partition, in which a preliminary decree was duly passed. Subsequently, one Champa Patra instituted another suit, C.S. No.111 of 2023, praying for a declaration that both the preliminary decree and the final decree passed in the earlier suit are nullities in the eye of law. In the said subsequent suit, the learned



trial court has directed the parties to maintain status quo. The Petitioner who is the Defendant in the second suit, thereafter filed an application in the execution proceeding arising from the first suit under Order 21 Rule 49 of the CPC, seeking a stay of the execution proceeding until disposal of the second suit. Such application having been rejected by the learned Executive Court, the petitioner has approached this Court by filing the CMP application.

5. Upon hearing learned counsel for the Petitioner, this Court is of the view that the matter requires further examination in presence of the Opposite Party.

6. Hence, Issue notice to the Opposite Party by Speed Post with A.D. by fixing a short returnable date. Requisites be filed within three working days.

7. List this matter in the week commencing 23rd March, 2026.

(Aditya Kumar Mohapatra)
Judge

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