



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.248 of 2026

Kumudini Sahoo

.....

Petitioner

Represented by Adv. -
Gobinda Chandra Das

-versus-

***Krushna Chandra Sahoo &
Ors.***

.....

Opposite Parties

Represented by Adv. -

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

ORDER

Order No.

09.02.2026

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. By filing the present CMP application under Article 227 of the Constitution of India, the Plaintiff-Petitioner who is a decree holder in C.S. No.288 of 2011 (F.D) now pending in the court of learned Civil Judge (Senior Division) Bhubaneswar has approached this Court by challenging order dated 24.10.2025, whereby the learned trial court has rejected the report of the Salaried Amin Commissioner.
4. Learned counsel for the Petitioner at the outset contended that the report of the Salaried Amin Commissioner has been rejected only on the ground that such report does not reflect about the share



allotted in the decree to the Defendant Nos.2 to 7. He further submitted that Defendant Nos.3 & 4 did not accept the notice of the Salaried Amin Commissioner's visit to the spot. He further categorically submitted that the Salaried Amin Commissioner has allotted the shares in favour of the Plaintiff and Defendant No.1. So far, the Defendant Nos.2 to 7 are concerned, it is stated that they are occupying their respective share of the ancestor's property. Therefore, the Salaried Amin Commissioner has not dealt with that part of the property. He further alleged that the learned trial court has committed any illegality by rejecting the report of the Salaried Amin Commissioner. It was also contended that such rejection would only cause delay in execution of the decree and that the Plaintiff-Petitioner would be deprived of enjoying the fruits of the decree.

5. Having heard the learned counsel for the Petitioner, on a careful analysis of his submission, further on a close scrutiny of the impugned order dated 24.10.2025, this Court found that the learned trial court has rejected the reports by Salaried Amin Commissioner, which is at Annexure-6 to the CMP application. On perusal of the report of the Salaried Amin Commissioner dated 30.11.2023, it is observed that the Salaried Amin Commissioner while submitting the report has not specifically dealt with the share of the Defendant Nos.2 to 7. Moreover, such report on a prima facie examination does not give a clear picture of the distribution of the shares among the co-sharers. On a careful examination of the Salaried Amin Commissioner, this Court is of the view that the same would create more confusion than resolving the dispute among the parties. Hence, this Court is of the view that it would be in the larger interest of the parties that a fresh Amin Commissioner is sent for measuring and distributing the shares strictly as per the decree. Accordingly, this



Court is not inclined to interfere with order dated 24.10.2025 at Annexure-1 to the CMP application. Moreover, while appointing another Amin Commissioner, the learned trial court shall take into consideration the submission of the learned counsel for the Plaintiff that since the Amin Commissioner which was taken at the instance of the plaintiff and his report having been rejected on the objection of the Defendant Nos.3 & 7. Further, taking into consideration the fact that the decree is of the year 2011, the learned trial court is directed to expedite the proceeding and conclude the same as expeditiously as possible, preferably within a period of six months from the date of communication of a copy of today's order.

6. With the aforesaid observations and directions, the CMP application is disposed of.

(A.K. Mohapatra)

Judge

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