



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.214 of 2026

Sujay Shankar Singh Deo

.....

Petitioner

Represented by Adv. -
Rajendra Kumar Mund

-versus-

***Smt. Puspa Kumari Devi and
others***

.....

Opposite Parties

Mr. A.P. Bose, Adv.

CORAM:

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

ORDER

25.02.2026

Order No.

- 01.
1. This matter is taken up through Hybrid mode.
 2. Heard learned counsel for the Petitioner as well as the learned counsel for the Opposite Parties on his own motion. 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 judgment debtor and Petitioner in CMA No.10 of 2025 has approached this Court challenging order dated 12.01.2026 passed by the learned ADJ-cum-Special Judge Vigilance, Bhawanipatna, Kalahandi in Civil Revision No.3/1 of 2025.
 4. Learned counsel for the Petitioner at the outset contended that initially the suit was filed by the Opposite Party No.1-plaintiff which



was registered as C.S. No.07 of 2003 in the court of learned Civil Judge (Senior Division), Bhawanipatna for restoration of possession and for permanent injunction. Initially the suit was dismissed, thereafter an appeal was preferred by the plaintiff which was eventually decreed. The decree issued by the First Appellate Court has been confirmed in second appeal by this Court. Although it is stated that at bar that a review is still pending against the judgment passed in the second appeal.

5. Learned counsel for the Petitioner further contended that in the meantime the Opposite Party No.1 has initiated an execution case bearing Execution Petition No.2 of 2022. In the said execution proceeding the present Petitioner filed an objection under Section 47 of CPC which was registered as CMA No.10 of 2025. The objection filed by the Petitioner under Section 47 of CPC was considered and then dismissed. Being aggrieved by such rejection of his application under Section 47 of CPC, the Petitioner initially approached this Court by filing CMP No.1142 of 2024, which was disposed of vide order dated 06.11.2025 granting liberty to the Petitioner to approach the appropriate forum. Thereafter, the Petitioner has filed Civil Revision No.3/1 of 2025, which is now pending before the learned ADJ-cum-Special Judge Vigilance, Bhawanipatna, Kalahandi.

6. He further submitted that along with his revisional application the Petitioner has also filed an application with a prayer for stay of execution proceeding. On hearing, such application was deferred vide order dated 12.01.2026 on the ground that no notice was issued to the Opposite Parties in the Revision Petition. Accordingly, the Petitioner was directed to take notice on the Opposite Parties. Since the execution proceeding is continuing, the Petitioner has



approached this Court for stay of such execution proceeding till disposal of the civil revision petition pending before the learned Revisional Court.

7. Mr. A.P. Bose, learned counsel for the Opposite Parties on the other hand contended that the present CMP application is premature as the application of the Petitioner for stay of execution proceeding has not been considered and disposed of as of now. He further submitted that the Petitioner should have approached the Revisional Court for early consideration of his application for stay of the execution proceeding in the pending Civil Revision instead of filing his CMP application. On such ground, Mr. Bose, learned counsel for the Opposite Parties contended that the present application being devoid of merit is liable to be dismissed.

8. Having regard to the submissions made by the learned counsels appearing for both sides, on a careful examination of the factual background of the present case, and further taking into consideration the fact that the application of the Petitioner for stay of the execution case is still pending before the learned Revisional Court, this Court deems it proper to dispose of the CMP application by directing the Petitioner to approach the Revisional Court for early disposal of the stay petition. Learned counsel for the Opposite Parties undertakes to appear before the learned Revisional Court on the next date. Accordingly, the parties are directed to appear before the learned Revisional Court on 10.03.2026 along with a copy of today's order. On their appearance the learned Revisional Court shall do well to consider and dispose of the interim application of the Petitioner which has been filed along with the Revision Petition as expeditiously as possible within a week thereafter.



9. On an application being filed by the parties for early disposal of the Civil Revision Petition, the learned Revisional Court shall do well to take necessary steps for early disposal of the Revision Petition. It is further directed that till appearance of the parties on 10.03.2026 no coercive action shall be taken against the Petitioner. It is further clarified that the learned Revisional Court shall consider the stay application on its own merit and in terms of the legal principles laid down in the pronouncements of this Court as well as the Hon'ble Apex Court.

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

(Aditya Kumar Mohapatra)
Judge

S.K. Rout