



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.330 of 2026

Arati Jena

.....

Petitioner

Represented by Adv. -
Niranjan Lenka

-versus-

Kamal Kumar Mohanty & Ors.

.....

Opposite Parties

Represented by Adv. -

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

ORDER

Order No.

23.02.2026

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 application under article 227 of the Constitution of India, the Plaintiff-Petitioner has approached this Court with a prayer to set aside dated 07.02.2026 passed in I.A. No.01 of 2026 under Order 39 Rule 3 of the CPC along with the application under Order 39 Rule 1 & 2.
4. Learned counsel for the Petitioner, at the outset, contended that the Petitioner as plaintiff had initially filed for a suit for partition and declaration. Along with the suit, an application was filed under Order 39 Rule 1 & 2 seeking injunctive relief, and an application under Order 39 rule 3 was also filed praying for ex parte consideration of the injunction application in view of the urgency involved. Such application under Order 39 Rule 3 has been rejected vide order dated



07.02.2026, the Plaintiff-Petitioner has approached this Court by filing the present CMP application. Learned counsel for the Petitioner further submitted that although the application under Order 39 Rule 3 has been rejected and the matter has been posted to 20.03.2026, the learned trial court has not recorded any specific finding regarding the absence of urgency in the present matter. It is submitted that the Opposite Parties are presently making construction over the suit schedule land, and unless this Court intervenes urgently, serious prejudice will be caused to the Petitioner.

5. Taking into consideration the aforesaid facts, this Court is inclined to hear the other side.

6. Accordingly, issue notice to the Opposite Parties 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 16th March, 2026.

I.A. No.318 of 2026

8. As an interim measure it is directed that status quo over the suit scheduled land shall be maintained till the next date.

(A.K. Mohapatra)

Judge

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