



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.372 of 2026

Bhagyalata Patnaik

.....

Petitioner

Represented by Adv. –
Mr. Jajati Keshari Khuntia

-versus-

***Rama Prasad Choudhury and
another***

.....

Opposite Parties

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA
ORDER
26.02.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard the 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 Petitioner-Defendant No.1, who is Opposite Party No.1 in I.A. No.9 of 2025, arising out of Civil Suit No.48 of 2025 pending in the court of learned Senior Civil Judge, Koraput, has approached this Court challenging order dated 19.07.2025 passed by the learned Civil Judge (Senior Division), Koraput on a petition dated 15.07.2025 filed by the Plaintiff in the above noted I.A.
4. By virtue of the interim order dated 19.07.2025, the learned trial court has passed an order of status quo on the



application dated 15.07.2025 during pendency of the Interlocutory Application of the Petitioner bearing No.9 of 2025, which was filed under Order-39 Rule-1 & 2 of the C.P.C.

5. Learned counsel for the Petitioner, at this juncture, contended that although the Plaintiff has filed an application under Order-39 Rule-1 & 2 of C.P.C. along with C.S. No.48 of 2025 and in the I.A., notices have been issued to the Opposite Parties, however the same is not being taken up for final hearing. In the interregnum, the learned trial court on an application dated 15.07.2025 filed by the Plaintiff has passed an order of status quo, which has been continuing as of now. In the aforesaid factual background, the learned counsel for the Petitioner contended that the said interim order was passed without hearing the Defendants and that such order dated 19.07.2025 has not been passed on the application under Order-39 Rule-1 & 2 of C.P.C. filed by the Plaintiff.

6. While assailing the practice adopted by the learned trial court, learned counsel for the Petitioner contended that the application for injunction should have been considered immediately after receipt of notices/summons by the Defendants-Opposite Parties. Such procedure having not been followed, learned counsel for the Petitioner submitted that the learned trial court has committed a gross illegality by violating established procedure, therefore, the order dated 19.07.2025 is vitiated.



7. Having regard to the submissions made by the learned counsel for the Petitioner, further on a careful consideration of the background facts as well as on a close scrutiny of the order dated 19.07.2025, this Court found that the Plaintiff along with his suit bearing C.S. No.48 of 2025 filed an I.A. No.09 of 2025 under Order-39 Rule-1 & 2 of C.P.C. During pendency of such I.A., a petition was filed on 15.07.2025, which was taken up on 19.07.2025, an order of status quo has been passed. Although several months have elapsed in the meantime, the main application under Order-39 Rule-1 & 2 of C.P.C. has not been taken up and disposed of by the learned trial court.

8. In view of the aforesaid factual position, this Court is inclined to dispose of the present CMP application with a direction to the learned trial court to expedite the hearing of the I.A. No.09 of 2025 by providing opportunity to both sides. Let the aforesaid I.A. No.09 of 2025 be disposed of within a period of six weeks. The interim order dated 19.07.2025 shall continue till disposal of the above noted I.A. No.09 of 2025.

9. With the aforesaid observation and direction, the CMP stands disposed of.

(Aditya Kumar Mohapatra)
Judge