



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6232 of 2025

Hadubandhu @ Hadibandhu Sahoo Petitioner
Mr. S. S. Pradhan, Advocate

-Versus-

Kalandi Sahoo and another Opposite Parties
Mrs. U. Padhi, ASC

CORAM:
MR. JUSTICE R. K. PATTANAIK

ORDER
13.03.2025

Order No.

01. 1. Heard Mr. Pradhan, learned counsel for the petitioner.
2. No notices are issued to opposite parties as the matter is disposed of at the stage of admission.
3. Instant writ petition is filed by the petitioner challenging the impugned order in FAO No.129 of 2023 as at Annexure-6 by learned 3rd Additional District Judge, Bhubaneswar, whereby, an order of status quo in I.A. No.558 of 2007 having been made absolute vide Annexure-5 by learned Senior Civil Judge (LR<V), Bhubaneswar was set aside.
4. Mr. Pradhan, learned counsel for the petitioner submits that the petitioner is the plaintiff and he has instituted the suit in C.S. No.713 of 2007 seeking partition in respect of the suit schedule property morefully described in the plaint, a copy of which is at Annexure-1. The further submission is that I.A. No.558 of 2007 seeking injunction was entertained and by order dated 25th September, 2007, an interim order of status quo was passed which was confirmed at the end vide Annexure-5 but, it was over



turned by learned court below while disposing of FAO No.129 of 2023. The submission is that such of the decision was on the premise that there was no urgency ever held shown by the petitioner with regard to any damage or change to the nature and character of the suit property and as such, remained aloof for 16 years, which is incorrect. The submission is that the order of status quo is dated 25th September, 2007 and the same was continued till 9th August, 2023, the date on which, I.A. No.558 of 2007 was disposed of. So, therefore, the submission is that the conclusion reached at by learned 3rd Additional District Judge, Bhubaneswar vide Annexure-6 is erroneous and hence, liable to be interfered with and set aside.

5. Upon a reading of Annexure-6, the Court finds that learned court below under the impression that the petitioner was not diligent enough and having been idle for 16 years could not be allowed to have such an order of status quo in 2023. In fact, considering the order in I.A. No.558 of 2007 and the ad-interim order status quo and its continuation up to 2023 upon disposal of I.A. No.558 of 2007, such a conclusion by learned court below is clearly mistaken and hence, shall have to be set aside with consequential directions issued in view of the nature of relief sought for in the suit pending in C.S. No.713 of 2007.

6. Accordingly, it is ordered.

7. In the result, the writ petition stands allowed. As a necessary corollary, the impugned order under Annexure-6 in FAO No.129 of 2023 by learned 3rd Additional District Judge, Bhubaneswar is hereby set aside with a direction for the parties in



the suit in C.S. No.713 of 2007 to maintain status quo in respect of the schedule property, till its disposal.

8. In the circumstances, however, there is no order as to cost.
9. Urgent copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge

Rojina