



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.500 of 2026

***Sitakanta Samantaray and
others***

.....

Petitioners

Represented by Adv.
- Jatindra Kumar
Mohapatra

-versus-

Pritilata Bisoi

.....

Opposite Parties

Represented by Adv. -

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

ORDER
06.05.2026

Order No.

- 01.
1. This matter is taken up through Hybrid mode.
 2. Heard learned counsel for the Petitioners. Perused the CMP application as well as the prayer made therein.
 3. The Petitioners, who were defendants in C.S. No.186 of 2023 now pending in the court of learned Civil Judge (Sr. Div.), Pipili, has approached this Court challenging order dated 22.12.2025 passed by the learned 3rd Addl. District Judge, Puri in FAO No.3/48 of 2025/2024, thereby reversing the order of the learned trial Court dated 11.09.2024 passed in I.A. No.105/2023 arising out of the above noted suit.
 4. Learned counsel for the Petitioners at the outset contended that the Petitioners, who were the defendants in the suit and respondents in the first appeal, assail the impugned order dated



22.12.2025 on the ground that the learned First Appellate Court has committed an illegality by reversing the order of the learned trial Court refusing to grant injunction in favour of the plaintiff, who is Opposite Party No.1 to the CMP in the suit. Learned counsel for the Petitioners in course of his argument contended that much prior to the filing of the suit in the year 2023 the suit scheduled land was initially partitioned among the co-sharers by virtue of a registered partition deed. Thereafter, the Petitioners acquired the same from the Opposite Party No.3, who is defendant No.2 in the suit.

5. Learned counsel for the Petitioners further contended that the plaintiff filed the suit for partition and consequential relief along with an application for injunction under Order-39, Rule-1 & 2 of the CPC. The learned trial Court after considering such I.A. application was not inclined to grant any injunctive relief in favour of the plaintiff-Opposite Party No.1. Thereafter, the plaintiff preferred FAO No.3/48 of 2025/2024. The said FAO was disposed of by the learned 3rd Addl. District Judge, Puri by virtue of the impugned order dated 22.12.2025.

6. On perusal of the impugned order dated 22.12.2025 at Annexure-4, this Court found that the learned trial Court by virtue of a reasoned and speaking order was inclined to allow the appeal by directing the parties to maintain status-quo over the suit land till final disposal of the original suit.

7. Learned counsel for the Petitioners at this juncture contended that the learned First Appellant Court has committed an illegality by passing an order of status-quo, particularly when such relief was refused by the learned trial Court. He further submitted that in a suit



for granting an order of injunction the learned First Appellate Court should have waived the order of the learned trial Court by taking into consideration the possession of the parties over the suit scheduled land. In the instant case the present Petitioners have lawfully acquired the property from co-sharers and the same has mutated in their favour and they have already been put in possession of the suit land. It was submitted that they are seriously aggrieved by the impugned order dated 22.12.2025, in as much as they are not being allowed to enjoy their purchased property. He further specifically argued that the police is restraining the Petitioners from enjoying their property which they have acquired lawfully. As a result of which, the Petitioners, finding no other alternative, have been compelled to approach this Court by filing the present CMP application.

8. On a careful consideration of the submissions made by the learned counsel for the Petitioners, this Court observes that the Petitioners' have taken a stand that they had acquired a part of the joint family property, which is the subject matter of the dispute in the partition suit, from the co-sharers and the land has already been recorded in the name of the Petitioners. He further specifically took a stand that the Petitioners after acquisition of the land have been put in possession thereof. In view of the aforesaid factual position, this Court found that the Petitioners are no way affected by the interim order dated 22.12.2025 at Annexure-4 passed by the First Appellate Court. The learned First Appellate Court directed the parties to maintain status-quo over the suit scheduled land. Accepting the contention of the learned counsel for the Petitioners to the effect that they have acquired the land and the same has been



mutated in their favour and that they are already in possession over such land, this Court is of the view that the Petitioners should be protected by the interim order dated 22.12.2025 as the learned First Appellate Court has directed the parties to maintain status-quo. In the event the status-quo order is being violated, it is open to the Petitioners to approach the competent court for implementation of the status-quo order through the process of court and in accordance with law. Since this Court is of the view that the Petitioners are not affected by order dated 22.12.2025, keeping in view the submission made by the learned counsel for the Petitioners, this Court is not inclined to interfere with the impugned order dated 22.12.2025. While disposing of the present CMP application, this Court grants liberty to the Petitioners to approach the learned trial Court for redressal of their grievance in the event it is found that order dated 22.12.2025 is not being implemented in its letter and spirit.

9. With the aforesaid observations/directions, the CMP application stands disposed of.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout