



IN THE HIGH COURT OF ORISSA AT CUTTACK

R.S.A. No.111 of 2025

Sujit Kumar Samantray

.....

Appellant

Represented by
Mr.A.P.Bose, Advocate

-versus-

*Prabati Mohapatra and
others*

.....

Respondents

Represented by None

CORAM:

THE HON'BLE MR. JUSTICE SASHIKANTA MISHRA

ORDER

15.7.2025.

Order No.

01. 1. This matter is taken up through hybrid mode.
2. Heard Mr. A.P.Bose, learned counsel for the appellant, on the question of admission. Perused the judgments passed by the lower appellate Court as well as the trial Court.
3. Considering the submissions and the grounds raised, the RSA is admitted on the following substantial questions of law;
 - (i) Whether the learned courts below were correct in not dismissing the suit as a whole with the amending Act of 36(A) of



the OCH and PFL Act, 1971 which validates transfer in fragment?

(ii) Whether the Courts below were correct in holding the Ext.2 that the shares are not identifiable when the recitals are very clear on the said aspect?

(iii) Whether the suit for permanent injunction simplicitor is at all maintainable when the sale deed in favour of the defendant/appellants has not been challenged by the plaintiffs?

4. Issue notice to the Respondents by Registered Post with A.D. making it returnable within four weeks. Requisites be filed within three working days. L.C.R. be called for.

5. List this matter in the month of January, 2026.

AKB

(Sashikanta Mishra)
Judge