



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 388 of 2026

CNR No. ODHCO10150122026

Sasmita Moharana

..... *Petitioner (s)*

Mr. Rabi Narayan Behera, Adv.

-Versus-

Sanatan Maharana

..... *Opposite Party (s)*

Mr. Jagabandhu Sahu, Sr. Adv.

along with associate

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

14.08.2026

Order No.

01.

1. This matter is taken up through hybrid arrangement.
2. In the present CMP, the Petitioner has challenged the order dated 03.12.2025 passed by the learned Civil Judge (Jr. Division), Salipur in C.S. No.3 of 2025, as well as the order dated 19.02.2026 passed by the learned A.D.J., Salipur in Civil Revision No.04 of 2026.
3. Heard learned counsel for the parties.
4. Learned counsel for the Petitioner submits that the Petitioner had filed a petition under Order VII Rule 11 of the C.P.C. before the learned Civil Judge (Jr. Division), Salipur, seeking a direction to the Opposite Party to correct the valuation of the suit land and pay the deficit court fee. However, the learned Civil Judge (Jr.



Division), Salipur, rejected the said petition holding that the same was devoid of merit.

5. Mr. Sahu, learned Senior Counsel appearing for the Opposite Party submits that, being aggrieved by the order dated 03.12.2025 passed by the learned Civil Judge (Jr. Division), Salipur in Civil Suit No.3 of 2025, the Petitioner preferred a revision vide Civil Revision No.4 of 2025, before the learned A.D.J., Salipur. The revisional court, upon consideration of the matter, also rejected the said revision vide order dated 19.02.2026.
6. Perused the appellate court order dated 19.02.2026 passed by the learned A.D.J., Salipur in Civil Revision No.4 of 2025. The said order is extracted hereinbelow:

“After perusal of record and going through the submission from Id. Counsel for the revisioner, it appears that the present revision is preferred for disallowing the petition by defendant U/o. 7 Rule-11 CPC. Law is well established that to maintain a civil revision, the impugned order(to be revised) amounts to a case decided and there must be allegations of exercise; of judicial discretion not vested in court or failed to exercise the jurisdiction so vested but the trial court passed order arbitrarily. In the present case the defendant/ revisioner moved the learned court with a petition u/o-7 R. 11 CPC with prayer for direction to the plaintiff to correct valuation of the suit and to pay deficit court fees and in case non-compliance of the order, the suit be dismissed. Admittedly the payment of the court fees is a matter between the plaintiff and the court, and the question of valuation is checked prior to admission of the suit by the trial court and the trial court having gone through the plaint has admitted the suit. Had the trial court considers the suit is undervalued, then direction would have been given to the plaintiffs for proper valuation of the suit and payment of the required court fees. The plaintiff has instituted the suit for permanent injunction and recovery of possession. On subjective satisfaction of the relief prayed, the trial court has admitted the suit. Usually a revision petition under Section 115 of the CPC



generally does not lie against a trial court's order refusing to reject a plaint (under Order 7 Rule 11). because such an order is interlocutory and not a "case decided" that finally disposes of the suit. However, it can generally be challenged in a regular appeal against the final decree. So a refusal to reject a plaint allows the case to continue, meaning it is not a final order. Since the refusal to reject a plaint is not a decree, no appeal lies against it immediately. Since the trial court has admitted the suit and refused to reject the plaint on subjective satisfaction of court fees, a matter in between the court and the plaintiff, hence taking into the facts of the case and the scope of revision under CPC, in the considerate opinion of this court the revision is not maintainable, hence not admitted."

7. In view of the aforesaid facts and submissions and upon perusal of the impugned orders, this Court does not find any infirmity in the impugned order dated 03.12.2025 passed by the learned Civil Judge (Jr. Division), Salipur in Civil Suit No.3 of 2025 as well as the order dated 19.02.2026 passed by learned A.D.J., Salipur in Civil Revision No.4 of 2025.
8. Accordingly, the CMP is dismissed.

(Dr. Sanjeeb K Panigrahi)
Judge