



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.413 of 2026

*M/s. Krishna Properties
Developers Pvt. Ltd.,
Bhubaneswar*

.....

Petitioner

Represented by Adv. –
Mr. Lingaraj Sarangi

-versus-

*Priyadarshini Enclave,
Bhubaneswar*

.....

Opposite Party

Mr. Chittaranjan Bairisal

CORAM:

THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

31.03.2026

Order No.

- 03.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner as well as learned counsel for the Opposite Parties.
 3. Pursuant to the notice issued by the Special Messenger, Opposite Party has entered appearance through his counsel.
 4. By filing the present CMP application, the Petitioner has approached this Court challenging the order dated 21.02.2026 passed by the learned Civil Judge (Senior Division), Bhubaneswar in I.A. No.01 of 2026, arising out of C.S. No.413 of 2026, which was filed under Order-39 Rule-1 & 2 read with Section 151 of C.P.C. seeking ad interim ex parte injunction



order.

5. Learned trial court, vide order dated 21.02.2026, refused to entertain the application under Order-39 Rule-1 &2 read with Section 151 of C.P.C. on the ground that there is no urgency in the matter.

6. It is stated by the learned counsels appearing for both the sides that the Opposite Party-Defendant has already appeared in the court below.

7. Learned counsel for the Petitioner, at this juncture, expressed his apprehension with regard to the availability of learned Civil Judge (Senior Division), Bhubaneswar as he has been deployed SR duty in the West Bengal.

8. In view of the aforesaid position, the present CMP application is disposed of by directing the trial court to consider and dispose of the application filed by the Plaintiff-Petitioner under Order-39 Rule-1 & 2 read with Section 151 of C.P.C. as expeditiously as possible, preferably within a period of four weeks from the date of communication of a certified copy of this order after providing opportunity of hearing to both sides. Since the counsels representing both sides are present before this Court, no further notice required to be given. Accordingly, the parties are directed to appear before the learned trial court on 13th April, 2026.

9. In view of the fact that the Presiding Officer of the court of Civil Judge (Senior Division), Bhubaneswar is absent, liberty is granted to the Plaintiff-Petitioner to move an application



before the learned District Judge, Khurda at Bhubaneswar for transfer of the matter to any available court, who is competent to dispose of the application filed by the Petitioner as per law.

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

(Aditya Kumar Mohapatra)
Judge

Debasis