



IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P. No.452 of 2025

S. Kalidas

..

Petitioner

Mr. M. Kanungo, Sr. Advocate

-Versus-

Pramita Swain & others

..

Opposite parties

Mr. P.K. Nayak, Advocate

(O.P. No.1)

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

21.04.2025

Order No.

01.

1. Heard Mr. Kanungo, learned Senior Advocate appearing for the petitioner.

2. Mr. Nayak, learned counsel and associates enters appearance for opposite party No.1 today and files Vakalatnama, which is accepted and taken on record. Mr. Kanungo, learned Senior Advocate appearing for the petitioner is requested to serve an extra copy of the writ petition with annexures on Mr. Nayak, learned counsel for opposite party No.1 by tomorrow i.e. 22.04.2025.

3. Instant petition is filed by the petitioner challenging the impugned order dated 1st February, 2025 passed in C.S. No.149 of 2005 by learned Civil Judge (Junior Division), Berhampur, whereby, an application seeking his transposition filed in terms of Order 1 Rule10 read with Section 151 CPC was declined.

4. Mr. Kanungo, learned Senior Advocate for the petitioner submits that the petitioner is the sole surviving successor and has



conflicting interest with opposite party No.1, namely, Plaintiff No.1 and in view of the above, the transposition was sought for, however, it was declined vide order dated 1st February, 2025 vide Annexure-1, which is under challenge.

5. Perused a copy of the plaint as at Annexure-2. The application under Order 1 Rule 10 read with Section 151 CPC is at Annexure-3 and the same is gone through. An objection was filed by defendant No.2 against such transposition of the petitioner impleaded as Plaintiff No. 2(a) in the suit.

6. Considering the plea advanced and submission of Mr. Kanungo, learned Senior Advocate for the petitioner, this Court is inclined to consider the response of opposite party No.1 as well as other opposite parties to whom notices are to be issued.

7. Hence, it is ordered.

8. Notice to the opposite parties except opposite party No.1.

9. Requisites for issuance of notice to opposite party Nos.2 to 4 by Registered Post with A.D. shall be filed by the learned counsel for the petitioner within the next seven working days from today. Notice shall be issued fixing a short returnable date.

10. List this matter on 23rd June, 2025 for hearing and orders.

(R.K. Pattanaik)
Judge

I.A. No.393 of 2025

2. 1. Heard.

2. Instant petition is filed by the petitioner for interim orders.



3. Recorded the submission of learned counsel for opposite party No.1.
4. However, this Court, though is inclined to consider response of all the opposite parties but at the same time is in favour of staying operation of the impugned order, i.e. Annexure-1 and accordingly it is directed.
5. List on the date fixed.
6. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge

Alok