



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.437 of 2026

Abhaya Kumar Pati

.....

Petitioner

Represented by Adv. –

Mr. S.P. Mishra,
Sr. Advocate
Soumya Ranjan Pati

-versus-

Nityananda Samal

.....

Opposite Party

Represented by Adv. -

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
23.03.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard Mr. S.P. Mishra, learned senior counsel for the Petitioner along with Mr. S.R. Pati. Perused the CMP application as well as the prayer made therein.
3. By filing the present CMP application under Article 227 of the Constitution of India, the Defendant No.23 in C.S. No.256 of 2025 has approached this Court thereby challenging the order dated 13.02.2026 vide Annexure-6 passed by the learned Addl. District Judge, Jajpur Road in F.A.O. No.02 of 2026.
4. Learned senior counsel at the outset contended that the defendant after appearance moved an application under Order 39 Rule 1 & 2 of CPC before the learned trial Court as they were making construction after acquiring the land from the recorded



owner. Such application having been rejected by the learned trial Court the Defendant-Petitioner preferred an appeal before the learned First Appellate Court. The appeal having been rejected vide impugned order dated 13.02.2026 in FAO No.02 of 2026 by the learned Addl. District Judge, Jajpur, the Petitioner has approached this Court by filing the present application under Article 227 of the Constitution of India.

5. Upon hearing of learned senior counsel for the Petitioner, this Court is of the view that the matter requires further examination in presence of the Opposite Parties.

6. Hence, Issue notice to the Opposite Parties by Speed Post with A.D. by fixing a short returnable date. Requisites be filed within three working days.

7. List this matter in the week commencing 13.04.2026.

I.A. No.476 of 2026

8. Issue notice as above.

9. Accept one set of process fee.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge