



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.469 of 2026

Abhimanyu Ray

.....

Petitioner

Represented by Adv. –
Mr. Uma Charan Mishra

-versus-

Urbashi Raul and others

.....

Opposite Parties

CORAM:

THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

25.03.2026

Order No.

- 02.
1. This matter is taken up through Hybrid mode.
 2. Heard the learned counsel for the Petitioner. Perused the CMP application as well as the prayer made therein.
 3. The Plaintiff in C.S. No.33 of 2026 pending in the court of the learned Civil Judge, Senior Division, Khruda has approached this Court by filing the present CMP application under Article 227 of the Constitution of India, thereby challenging the conduct of the learned trial court in deferring the hearing of the application filed by the Plaintiff under Order-39 Rule-1 & 2 of the C.P.C.
 4. Learned counsel for the Petitioner, at the outset, contended that the suit schedule property is a joint family property. He further contended that by filing the suit the Plaintiff-Petitioner has prayed for partition and for declaration



that certain sale deeds executed by the co-shares are null and void. Learned counsel for the Petitioner, at this juncture, contended that the Plaintiff-Petitioner apprehends that co-shares, who are Defendants in the suit, are likely to dispose of some of the joint family property and create third party interest. Accordingly, an application was moved under Order-39 Rule-1 & 2 of C.P.C. seeking ex parte ad interim injunction order. However, the hearing of such application is being deferred on various grounds, particularly due to non-filing of the objection by the appearing Opposite Parties. He further submitted that the Opposite Parties No.3 and 6 have been set ex parte by the learned trial court vide order dated 24.02.2026. So far as Opposite Parties No.1, 2 and 4 are concerned, though they have appeared in the suit, however they have not filed their show cause. With regard to the service of the notice on Opposite Party No.5 is concerned, learned counsel for the Petitioner, on instruction, submitted before this Court that the postal tracking report reveals that the notice on Opposite Party No.5 has been delivered in his given address. However, the matter has been posted for filing of the service affidavit before the learned trial court.

5. In the aforesaid factual backdrop and further taking note of the urgency involved in the matter, this Court directs the learned trial court to take up the application of the Petitioner filed under Order-39 Rule-1 & 2 of the C.P.C. as



expeditiously as possible and every endeavour shall be made to dispose of the same at the earliest, preferably within a period of two months from the date of communication of a certified copy of this order. It is further directed that till disposal of the application of the Petitioner filed under Order-39 Rule-1 & 2 of the C.P.C., the parties in the suit are restrained to create third party interest of the suit scheduled land.

6. It is made clear that this Court has not expressed any opinion on the merits of the matter and that the learned trial court after hearing the parties shall pass necessary order strictly in accordance with law.

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

(Aditya Kumar Mohapatra)
Judge

Debasis