



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.474 of 2026

1) Dillip Kumar Barik

.....

Petitioners

2) Pradeep Kumar Barik

Represented by Adv. -
Achyutananda Pattanaik

-versus-

Parbati Senapati and others

.....

Opposite Parties

Represented by Adv. -

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

25.03.2026

Order No.

- 01.
1. This matter is taken up through Hybrid mode.
 2. Heard learned counsel for the Petitioners. Perused the CMP application as well as the prayer made therein.
 3. By filing the present application under Article 227 of the Constitution of India, the decree holder in Execution No.9 of 2002 which is still pending for finalization before the learned Civil Judge (Jr. Div.), Bhadrak has approached this Court challenging order dated 27.12.2025 passed by the learned ADJ, Bhadrak in FAO No.40 of 2025, which arises out of CMA No.30 of 2024.
 4. Learned counsel for the Petitioners at this juncture contended that although the execution proceeding is of the year 2002 and the same is pending for finalization, in the meantime an application was filed by the Opposite Party No.1 to implead him as a party to the proceeding. Such application having been rejected by the learned Executing Court, the Opposite Party No.1 preferred an appeal before



the First Appellate Court by filing FAO No.40 of 2025. The learned First Appellate Court by virtue of the impugned order has set aside the order passed by the learned Executing Court and allowed the prayer of the Opposite Party No.1 to be impleaded as a party to the suit in an execution proceeding. Being aggrieved by the order, the Petitioners have approached the present CMP application.

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

6. Hence, issue notice to the Opposite Party No.1 by Registered Post/Speed Post with A.D. by fixing a short returnable date. Requisites be filed within three working days.

7. Notice to other Opposite Parties are dispensed with for the time being.

8. List this matter in the week commencing 04.05.2026.

I.A. No.511 of 2026

9. Notice as above.

10. Accept one set of process fee.

11. As an interim measure, it is directed that the impugned order dated 27.12.2025 shall be kept in abeyance till the next date.

(Aditya Kumar Mohapatra)
Judge