



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.476 of 2026

Rabikanta Jena & Ors.

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Petitioners

Represented by Adv. -
Saroj Kumar Padhi

-versus-

Benudhar Jena & Ors.

.....

Opposite Parties

Represented by Adv. -

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA

ORDER

Order No.

31.03.2026

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners. 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 in C.S. No.99 of 2010 pending in the court of learned Civil Judge, Sr. Division, Keonjhar, has approached this Court thereby challenging the impugned order dated 13.05.2019 at Annexure-5 to the CMP application.
4. On perusal of the impugned order at Annexure-5, it appears that the same was passed on 13.05.2019, i.e., more than six years ago. It further appears that the defendant had filed an application before the learned trial court for a direction to the plaintiff to take necessary steps for addition of the deity as a necessary party to the suit. The learned trial court by virtue of the impugned order allowed the prayer of the defendant and the plaintiffs were directed to



implead Sri Baladev Jew, represented by the learned Commissioner, as a party in the final decree proceeding after compliance of the provision contained in Section 80 of the CPC. The present application arises out of a final decree proceeding which is pending since long.

5. Taking into consideration the fact that the order dated 13.05.2019 is being challenged after six years. This Court is not inclined to entertain the application on the ground that the learned trial court, while exercising power under Order 1 Rule 10, has permitted the plaintiff to implead the deity as a party in the final decree proceeding. In such view of the matter, this Court is not inclined to interfere with the order dated 13.05.2019.

6. Accordingly, the CMP application stands disposed of.

(A.K. Mohapatra)

Judge

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