



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.507 of 2026

Ragini Jha

.....

Petitioner

Represented by Adv. -
Himanshu Sekhar
Mishra

-versus-

Om Prakash Jha

.....

Opposite Party

Represented by Adv. -

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

ORDER
24.03.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard Sri H.S.Mishra, learned counsel for the Petitioner. Perused the CMP application as well as the prayer made therein.
3. By filing the present CMP application, the plaintiff in CS No.32 of 2026 pending in the court of learned Senior Civil Judge, Balangir has approached this Court by filing this application under Article 227 of the Constitution of India thereby challenging the order dated 13.02.2026 at Annexure-4 as well as order dated 02.03.2026 at Annexure-6 passed in I.A No.07 of 2026 arising out of the abovenoted suit.
4. Learned counsel for the Petitioner at the outset contended that initially the Petitioner as plaintiff filed a suit for declaration and injunction. Along with the suit, the plaintiff filed an



application under Order 39 Rule 1 & 2 of the CPC as well as an application under Order 39 Rule 3 of the CPC for ex-parte ad-interim injunction. Mr.Mishra, learned counsel appearing for the Petitioner at the outset contended that the subject matter of the suit involves two vehicles which are in the possession of the plaintiff even though the same stands recorded in the name of the defendant. He further contended that the vehicle was acquired from the money paid by the plaintiff from her bank account. A copy of the bank account was filed in court today in support of the contention that the entire amount for the purchase of the vehicle has been paid from the bank account of the plaintiff.

5. On perusal of the impugned order dated 13.02.2026 at Annexure-4, it appears that the prayer of the Petitioner under Order 39 Rule 3 of the CPC was taken up for consideration. However, the same was rejected as it was found by the learned trial court that there is no urgency in the matter. Similarly, another application was filed under 151 of the CPC which was also disposed of vide order dated 02.03.2026 passed in I.A No.07 of 2026 thereby rejecting such application on the ground that the same is devoid of merit.

6. Mr.Mishra, learned counsel for the Petitioner at the outset contended that the properties involved in the suit are movable properties and there is every likelihood that the defendant might transfer the same or create a 3rd party interest over such vehicle unless the properties are protected by passing ad-interim injunction order. He further submitted that the defendant in the suit avoided the notice by stating falsehood before the Court on affidavit. While elaborating such allegation, learned counsel for the Petitioner



contended that although the father of the defendant is alive, it was stated before the court on affidavit that the father of the defendant has died and he has gone to attend funeral ceremony of his late father.

7. Considering the submissions made by learned counsel for the Petitioner, on a careful examination of the background fact, this Court deems it proper to dispose of the present CMP application by directing the parties to maintain status quo with regard to the possession over the suit scheduled properties and no 3rd party interest shall be created for a period of eight weeks upon such property. In the meantime, the learned trial court shall make every endeavour to take up the application under Order 39 Rule 1 & 2 of the CPC and dispose of the same by providing ample opportunity of hearing to the parties to the suit.

8. Since this application is being disposed of at the stage of admission without hearing the other side, liberty is granted to the Opposite Parties to seek for modification/ variation of this order in the event it is found that the Petitioner has suppressed any material facts or misled this Court in any manner.

9. With the aforesaid observations/ directions, the CMP application stands disposed of.

(A.K. Mohapatra)
Judge

Anil