



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.508 of 2026

Latika Beher

.....

Petitioner

Represented by Adv. -
Susanta Kumar Baral

-versus-

Babaji Behera & Ors.

.....

Opposite Parties

Represented by Adv. -

CORAM:
THE HON'BLE 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 learned counsel for the Petitioner. 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 defendant No.11 in CS No.268 of 2015 has approached this Court challenging the order dated 13.02.2026 passed in FAO No.25 of 2024 by the learned ADJ, Salipur which arises out of CMA No.03 of 2020 and the same corresponds to CS No.268 of 2015.
4. Learned counsel for the Petitioner at the outset contended that in the suit, the defendant No.11 was set ex-parte, thereafter, he moved an application for setting aside of the ex-parte order under Order 39 Rule 13 of the CPC, however, the same has been rejected by the learned trial court which was eventually confirmed by the



learned 1st Appellate Court vide judgement at Annexure-7.

5. Considering the submissions made by learned counsel for the Petitioner, this Court is of the view that the matter requires further consideration in presence of the Opposite Parties. Hence, issue notice to the Opposite Party No.1 through Speed post with A.D by fixing a short returnable date.

6. Requisites for issuance of notice be filed within three working days.

7. Notice to Opposite Party Nos.2 to 12, who are co-defendants of the Petitioner, are exempted for the time being.

8. List this matter in the week commencing 20.04.2026.

(A.K. Mohapatra)
Judge

Anil