



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.516 of 2026

Sitansu Sekhar Si

.....

Petitioner

Represented by Adv. -
Kedar Kumar Dash

-versus-

***M/s. Shree Homes Estates and
Developers, Bhubaneswar & 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 plaintiff in CS No.134 of 2026 pending in the court of learned Civil Judge (Junior Division), Bhubaneswar has approached this Court challenging order dated 20.01.2026 at Annexure-6 to the CMP application.
4. Learned counsel for the Petitioner at this juncture contended that the Petitioner-plaintiff filed a suit for declaration easement right and for permanent injunction. Along with the suit, he had also moved an application under Order 39 Rule 3 for ex-parte ad-interim injunction order keeping in view the urgency involved in



the matter. He further contended that the learned Civil Judge (Junior Division), Bhubaneswar vide order dated 20.01.2026 while admitting the suit, issued notice to the Opposite Parties on the application filed for ad-interim injunction under Order 39 Rule 3 of the CPC. He further contended that the said application was posted to 06.02.2026.

5. Learned counsel for the Petitioner, as per his instruction, contended that since the Civil Judge (Junior Division), Bhubaneswar is availing leave, the matter could not be taken up. He further submitted that considering the urgency involved in the matter, the application under Order 39 Rule 3 should have been taken up by the learned trial court. Learned counsel for the Petitioner at this juncture further submitted that some of the defendants, who are Opposite Parties to the I.A application, have already entered their appearance.

6. Taking into consideration the aforesaid submissions, the present CMP application is being disposed of by directing the learned Civil Judge (Junior Division), Bhubaneswar to expedite the hearing of the application under Order 39 Rule 1 & 2 of the Petitioner and every endeavour shall be made to dispose of the same as expeditiously as possible preferably within six weeks from today. Further taking into consideration the fact that the Civil Judge (Junior Division), Bhubaneswar was on leave, as informed by the learned counsel for the Petitioner, learned counsel for the Petitioner is granted liberty to approach the learned District Judge, Khurda at Bhubaneswar to assign the matter to some other Civil Judge (Junior Division) available at the station to take up the I.A application keeping in view the urgency involved in the matter. It



is further directed that no coercive action shall be taken against the Petitioner-Plaintiff by the authorities for a period of four weeks or till the application under Order 39 Rule 1 & 2 is taken up by the competent court.

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

(A.K. Mohapatra)
Judge

Anil