



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.526 of 2026

Jaya Prakash Rout

.....

Petitioner

Represented by Adv. –
Mr. S. Mishra

-versus-

Ashok Kumar Pati

.....

Opposite Party

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 the learned counsel for the Petitioner. 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.265 of 2022 pending in the court of learned Senior Civil Judge, Pattamaundai has approached this Court, thereby challenging the order dated 28.02.2026 passed by the learned Senior Civil Judge, Pattamundai in the above noted suit whereby rejecting the prayer of the Defendant to recall D.W.2 for further cross-examination.
4. Learned counsel for the Defendant-Petitioner, at this juncture, contended that recall of D.W.2 is required only for the limited purpose of marking certain documents which were



inadvertently not marked as exhibit with objection. He further submitted that the D.W.2 in his evidence has categorically stated that after getting the original sale deed xerox, the original copy thereof was handed over to the Plaintiff.

5. Considering the submission made by the learned counsel for the Petitioner, this Court is of the view that the matter requires further examination in presence of the sole Opposite Party.

6. Hence, issue notice to the sole Opposite Party by Speed Post with A.D. by fixing a short returnable date. Requisites be filed within a week hence.

7. List this matter in the week commencing 11th May, 2026.

I.A. No.566 of 2026

8. Heard the learned counsel for the Petitioner.

9. As an interim measure, it is directed that let the hearing of the suit in C.S. No.265 of 2022 continue, however, no final judgment in the same shall be delivered without leave of this Court till the next date.

(Aditya Kumar Mohapatra)
Judge