



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.600 of 2026

***Sri Narendra Sahu @
Narendra Rout***

.....

Petitioner

Represented by Adv. -
Purna Chandra Das

-versus-

Nidrabati Rout and others

.....

Opposite Parties

Represented by Adv. -

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

**ORDER
30.06.2026**

Order No.

- 02.
1. This matter is taken up through Hybrid mode.
 2. The defendant No.1 in C.S. No.26 of 2018 approached this Court by filing the present CMP application under Article 227 of the Constitution of India challenging order dated 29.04.2025 passed in the above noted suit by the learned Civil Judge (Sr. Divn.), Banki, Cuttack. By virtue of the impugned order dated 29.04.2025 at Annexure-1 to the CMP application the learned trial Court while considering the petition dated 22.02.2023 of the defendant No.1 with a prayer to recall order dated 22.06.2019, whereby the defendant No.1 was precluded from filing W.S., made a prayer to permit the defendant No.1 to file his W.S. and



for acceptance of the W.S. already filed by him. The learned trial Court by virtue of the impugned order allowed the prayer of the Petitioner to the extent that the W.S. of the Petitioner was accepted subject to payment of a cost of Rs.2,000/- and the Petitioner was permitted to participate in the suit only from the stage where it currently was. Thus, the Petitioner was prohibited from reopening the entire suit. Learned counsel for the Petitioner at this juncture contended that three of the witnesses have already been examined from the side of the plaintiff. He further contended that unless the Petitioner is permitted to cross-examine such witnesses his valuable right is likely to be affected.

3. Considering such submission, this Court is of the view that the matter requires further adjudication in presence of the plaintiff. Hence, issue notice to the Opposite Party No.1 by Speed Post/ Registered Post with A.D. by fixing a short returnable date. Requisites be filed within three working days. Notice to Opposite Party Nos.2 to 28, who are proforma Opposite Parties, are dispensed with for the time being on the request of the learned counsel for the Petitioner.

4. List this matter in the week commencing 27.07.2026.

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5. Heard.

6. Notice as above.

7. Accept one set of process fee.



8. As an interim, it is directed that on an application being filed by the Petitioner seeking adjournment in C.S. No.26 of 2018, the learned trial Court shall do well to adjourn the matter for a period of six weeks.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout