



**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**CMP No.591 of 2026**

***M/s. Ascolt Pioneer, Bbsr***

.....

***Petitioner***

Represented by Adv. -  
Abhay Khandelwal

Mr. S. Srivastab

Mr. P. Khandelwal

-versus-

***1) State of Odisha***

.....

***Opposite Parties***

- 2) director of estate, g.a. dept., c  
o principal secretary, da dept., odisha
- 3) collector cum dist.magistrate,  
khordha
- 4) secretary, capital credit cooperative  
society, khordha
- 5) b.m., bank of india, kharvel nagar  
branch
- 6) amati jena
- 7) ajit kumar jena
- 8) aashish kumar jena
- 9) soumya kumar jena
- 10) bijaya kumar jena

Represented by Adv. –

Smt. S. Nayak, ASC

**CORAM:**

**MR. JUSTICE ADITYA KUMAR MOHAPATRA**

**ORDER**

**09.04.2026**

**Order No.**

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard Mr. S. Srivastab, learned counsel appearing for the Petitioner as well as learned Additional Standing Counsel for the State. Perused the CMP application as well as the



prayer made therein.

3. The Petitioner who happens to be the decree holder in Execution Case No.9 of 2013 pending before the learned 1<sup>st</sup> Addl. Civil Judge (Sr. Division), Bhubaneswar which arises out of C.S. No.580 of 2008 has approached this Court challenging order dated 02.02.2026 passed by the above named Court thereby closing the execution proceeding.

4. Learned counsel for the Petitioner at the outset contended that the decree holder as Plaintiff filed a suit bearing C.S. No.580 of 2008 with a prayer for specific performance. The suit was decreed by virtue of judgment and decree dated 29.06.2013 and 03.07.2013 respectively. Thereafter, the execution case was initiated at the instance of the Plaintiff-decree holder. He further contended that although the execution case was pending for more than a decade, recently by virtue of order dated 02.02.2026, the learned Executing Court has closed the execution proceeding by accepting the plea of the judgment-debtor that the lease was determined prior to the suit was filed. He further contended that there was no alteration was made to the judgment and decree on the basis of aforesaid assertion. The judgment-debtor raised such a ground for the first time before the Executing Court during the execution and the learned Executing Court submitted a gross illegality by accepting such contention of the judgment-debtor and closing the execution proceeding.



5. Considering the aforesaid factual background, this Court is of the view that the matter requires further consideration in presence of the Opposite Parties. Hence, issue notice to the Opposite Parties.

6. Learned Additional Standing Counsel for the State accepts notice on behalf of the Opposite Party Nos. 1 to 3. Since the copy of CMP application has already been uploaded in the LMS website, no extra copy is required to be served on the learned counsel appearing for the State.

7. Issue notice to the Opposite Party Nos. 4 to 10 by Speed Post with A.D. by fixing a short returnable date. Requisites be filed within a week.

8. List this matter in the week commencing 06.07.2026.

9. Reply affidavit, if any, be filed in the meantime after serving a copy thereof on the learned counsel for the Petitioner.

**I.A. No.650 of 2026**

10. Heard learned counsel for the Petitioner as well as learned counsel for the State.

11. Issue notice as above.

12. One set of process fee.

13. As an interim, it is directed that no third party interest shall be created over the property which is the subject matter



of the suit pending in Execution Case No.09 of 2013 which was closed by the impugned order by the learned 1<sup>st</sup> Addl. Senior Civil Judge, (Senior Division), Bhubaneswar till the next date.

Issue urgent certified copy of this order as per Rules.

**( A.K. Mohapatra )**  
**Judge**

Sisir