



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.662 of 2026

***Jay Gopal Das Adhikary and
others***

.....

Petitioners

Represented by Adv. -
Manas Ranjan Baug

Mr. B. Baug, Sr. Adv.

-versus-

State Of Odisha and others

.....

Opposite Parties

Smt. S. Nayak, ASC

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

ORDER
22.04.2026

Order No.

01. 1. These matters are taken up through Hybrid mode.
2. Heard Mr. B. Baug, learned Senior Counsel for the Petitioners
 as well as learned counsel for the State. 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, some of the Respondents and 3rd party
 purchasers, who are Opposite Party Nos.1 to 4 have approached this
 Court challenging order dated 18.02.2026 passed in the first appeal
 by the First Appellate Court. By virtue of the impugned order dated
 18.02.2026 the learned First Appellate Court without even
 condoning the delay in presentation of the first appeal before the
 Appellate Court has granted stay of further proceeding in the
 Execution Case No.52 of 2016, which is now pending in the Court
 of learned Addl. Civil Judge (Senior Division), Balasore.



4. Learned Senior Counsel for the Petitioners at the outset contended that since the delay has not been condoned, no appeal exists in the eye of law. Therefore, the Petitioners challenged the impugned order dated 18.02.2026 on the ground of lack of jurisdiction of the First Appellate Court to pass any such interim order staying the further proceeding in the execution case.

5. Upon hearing the learned Senior Counsel for the Petitioners, on a careful examination of the impugned order as well as the documents annexed to the CMP application, this Court is of the view that the matter requires further consideration in presence of the contesting Opposite Parties. Hence, issue notice to the Opposite Party Nos.1, 2 who are the Appellants and Opposite Party No.19-State Opposite Party. Learned counsel for the State accepts notice on behalf of the Opposite Party Nos.1, 2 & 19. Notices to the Opposite Party Nos.3 to 18 are dispensed with for the time being.

6. On the request of the learned counsel for the State, she is granted four weeks' time to obtain instruction in the matter.

7. List this matter in the week commencing 29.06.2026. The matter shall be heard and disposed of on the next date.

(Aditya Kumar Mohapatra)
Judge