



IN THE HIGH COURT OF ORISSA AT CUTTACK
RSA No. 221 of 2025

***Gokulananda Baishakh and
another***

....

Appellants

*Represented by
Mr. T.K. Mishra, Advocate*

-Versus -

Surendra Patra and another

....

Respondents

Represented by

CORAM:
JUSTICE SASHIKANTA MISHRA

ORDER
06.05.2025

Order No.
1.

1. This matter is taken up through hybrid mode.
2. Heard Mr. T.K. Mishra, learned counsel for the appellants and perused the impugned judgments.
3. Considering the submissions and the grounds raised, the second appeal is admitted on the following substantial questions of law:-
 - i. *Whether the 1st Appellate Court was correct in ignoring the proposition of law that the suit for demarcation and injunction simplicitor is hit by the provision under Section 34 of the Specific Relief Act?*
 - ii. *Whether the 1st Appellate Court was justified in ignoring the fact that the suit for demarcation was bad for non-joinder of the boundary tenants, who are the necessary parties?*
4. Issue notice to the respondents by registered post with A.D. making it returnable within four weeks. Requisites be filed within three working days.



5. Call for the LCR.
6. List this matter in the week commencing 22nd September, 2025.

(Sashikanta Mishra)
Judge

I.A. No. 608 of 2025

Order No.
2.

1. Status quo with regard to the suit property as on date shall be maintained till the next date.
2. Urgent certified copy of this order be granted on proper application.

(Sashikanta Mishra)
Judge

B.C. Tudu