



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.690 of 2026

***Belmati Meher @ Belamati
Meher & Ors.***

.....

Petitioners

Represented by Adv. -
Sushanta Kumar Joshi

-versus-

Madhabilata @ Madhabi Meher

.....

Opposite Party

Represented by Adv. -

CORAM:

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

ORDER

27.04.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners. Perused the CMP application as well as the prayer made therein.
3. By filing the present application, the defendant Nos.6(c), 7(c), 7(d), 7(g), 8 & 9 in CS No.41 of 2018 pending in the court learned Civil Judge (Senior Division), Patnagarh have approached this Court by challenging order dated 08.12.2025.
4. Learned counsel for the Petitioners at this juncture contended that the learned trial court by virtue of the impugned order has rejected the prayer of the defendant-Petitioners to adduce the evidence. He further contended that though earlier a memo was filed by the conducting counsel for the defendants not to adduce any evidence, however, subsequently the lawyer was changed and



as per the advice of the new conducting counsel, it was found that evidence from the side of defendants is necessary. Accordingly, the Petitioners had moved before the learned trial court. Such application having been rejected, the Petitioners have approached this Court by filing the present CMP application. Learned counsel for the Petitioners at this juncture contended that the suit being a partition suit unless the defendant-Petitioners are permitted to adduce their evidence, they will be seriously prejudiced.

5. Considering such submission, this Court is inclined to hear the Opposite Party. Hence, issue notice to the sole Opposite Party by Speed post with A.D fixing a short returnable date.

6. Requisites for issuance of notice be filed within three working days.

7. List this matter in the week commencing 29.06.2026.

I.A No.768 of 2026

8. Heard learned counsel for the Petitioners.

9. As an interim measure, it is directed that on an application being filed by the Petitioners seeking adjournment for further proceeding in the pending CS No.41 of 2018 in the court of the learned Civil Judge (Senior Division), Patnagarh. In such eventuality, the learned Trial Court shall do well to adjourn the matter for a period of eight weeks.

(A.K. Mohapatra)
Judge