



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.710 of 2026

***Sanjib Kumar Tripathy and
others***

.....

Petitioners

Represented by Adv. -
Prasanta Kumar
Satapathy

-versus-

Amylya Giri and others

.....

Opposite Parties

Represented by Adv. -

CORAM:

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

ORDER

29.04.2026

Order No.

- 01.
1. This matter is taken up through Hybrid mode.
 2. Heard learned counsel for the Petitioners. Perused the CMP application as well as the prayer made therein.
 3. By filing the present CMP application under Article 227 of the Constitution of India, the judgment debtor in Execution Case No.11 of 2010, which arises out of T.S. No.65 of 1997 has approached this Court for a direction to the learned Civil Judge, Senior Division, Keonjhar to decide I.A. No.121 of 2025 arising out of Execution Case No.11 of 2010 for taking physical possession and execution of the decree through Civil Court Commission as has been directed vide order dated 20.01.2026 in the above noted execution case. On perusal of the record, it appears that in the pending execution case the Petitioners moved an I.A. No.121 of 2025 under Order-21, Rule-



97 & 99 of the CPC. Although the execution case is pending since 2010, this application was filed 15 years after the execution was initiated. While explaining the delay in filing such application, learned counsel for the Petitioner contended that such application was moved after disposal of RSA No.267 of 2008 which was disposed of vide judgment dated 09.05.2022.

4. Taking into consideration the aforesaid factual aspect, this Court deems it proper to dispose of the present CMP application by directing the learned trial Court to consider and dispose of I.A. No.121 of 2025 on its own merit as expeditiously as possible. However, in view of the judgment of the Hon'ble Supreme Court in the case of ***Rahul S. Shah v. Jinendra Kumar Gandhi and Others*** reported in ***(2021) 6 SCC 418 & Periyammal (Dead) Thr.Lrs & Ors. v. V. Rajamani & Anr. Etc.***, reported in ***2025(1) OLR (SC)-833***, this Court is not inclined to give any direction with regard to the Execution Case No.11 of 2010

5. With the aforesaid observation/direction, the CMP application stands disposed of.

(Aditya Kumar Mohapatra)
Judge